

ZONING AND SUBDIVISION

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CHAPTER 165

SUBDIVISION REGULATIONS

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165.01 DEFINITIONS. For use in this chapter, the following terms and words are defined.

1. "Auditor's plat" means a plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
2. "Building line" means a line on a plat between which line and public right-of-way no buildings or structures may be erected.
3. "Cul-de-sac" means a dead-end street permanently closed to through traffic, being terminated by a vehicular turnaround.
4. "Easement" means a right-of-way granted for the purpose of limited private, public and quasi-public uses across private land.
5. "Local residential street" means a local service street used primarily for access to abutting property.
6. "Lot" means a portion of a subdivision or other plat or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer or improvement.
7. "Plat" means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
8. "Proprietor's plat" means a plat as defined herein submitted by the owner of the land being platted, or an agent of said owner, or other private entity acting with the consent of the owner.
9. "Subdivision" means the division of a lot, tract, or parcel of land into three or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer for building development. The term includes resubdivision and when appropriate to the context relates to the process of subdividing or to the land subdivided. The division of land for agricultural purposes into parcels of 35 acres or more not involving any new road, street, easement or other dedication shall not be considered a subdivision as defined above and shall be exempt from the requirements of this chapter. Such division into parcels of 35 acres or more shall not be further divided without meeting all of the requirements of this chapter.

165.02 PRELIMINARY APPROVAL BY COUNCIL. Whenever the owner of any tract or parcel of land within the City wishes to make a subdivision of the same, said owner shall cause to be prepared a preliminary plat of said subdivision and shall submit a minimum of five copies of the preliminary plat and such other information as is hereinafter required to the

Council for its preliminary study and approval. The preliminary plat shall contain such information and data as outlined in Section 165.07 hereof. The Council shall study such preliminary plat to see if it conforms with the minimum standards and requirements as outlined in this chapter and may forward a copy of the plat to the City Engineer for review and recommendation. The Council shall approve or reject such plat within 30 days after the date of submission thereof to the Council. If the Council does not act within 30 days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of time for a period not to exceed 60 days. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within 180 days after date of said preliminary plat approval. Before approving a preliminary plat, the Council shall hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the City.

165.03 PLATS OF UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS. The purpose of this chapter is to provide rules, regulations and standards to guide land subdivision in the City and in the area within two miles of the City limits in order to promote the public health, safety, convenience and general welfare of the City. It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services. For the purpose of reviewing subdivisions outside the City's corporate limits, to ensure the fulfillment of the purposes set forth in this chapter, the City does hereby, pursuant to Section 354.9 of the *Code of Iowa*, exercise its right of review and approval of all land subdivision within an area of two miles of the City's corporate limits.

165.04 AUDITOR'S PLATS. With regard to Auditor's plats as distinguished from proprietor's plats, the Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 165.06, 165.09, and 165.10, provided there is on file with the Council a copy of the request of the County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

165.05 FINAL APPROVAL BY COUNCIL. The subdivider shall also submit to the Council for its approval or rejection five copies of a final plat of the subdivision which shall contain the data and information outlined in Section 165.08 of this chapter. If the Council approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Mayor.

165.06 APPROVAL BY COUNCIL OF IMPROVEMENTS. After approval of the final plat of the subdivision by the Council, the final plat shall be submitted to the Council for the acceptance of all roads, streets, alleys, easements, parks, or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 165.10 shall be installed. The final plat shall be filed with the County Auditor and Recorder in accordance with the provisions of existing statutes and following procedures as required by said Auditor and Recorder. Approval of the final plat by the Council shall be null and void if the plat is not recorded within 30 days after date of approval, unless application for an extension of time is made in writing during said 30-day period to the Council, and granted.

165.07 INFORMATION REQUIRED ON PRELIMINARY PLAT. Each subdivider of land should confer with the Council before preparing the preliminary plat in order to become thoroughly familiar with this chapter, Chapter 155 and with other City regulations affecting the

area in which the proposed subdivision lies. The owner shall submit five copies of a preliminary plat to the Council which shall be drawn to a scale of not less than one inch to 100 feet by a registered engineer or licensed land surveyor and shall show the following:

1. The complete legal description of the property to be platted, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions. The allowable unadjusted error of closure on the traverse of the perimeter of the plat shall be one in 5,000. Latitude and departure computations on the traverse closure shall be submitted to the City Engineer.
2. Existing contour intervals of not more than five feet, provided, however, that a minimum of two contours shall be shown on any plat.
3. The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also, the location and size of such sub-surface features as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
4. A vicinity sketch at a scale of not more than 500 feet to the inch shall be shown on or accompany the proposed plat. The map shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and roads in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire area. This sketch shall show the location of any nearby parks, schools, or other public facilities that might be affected by the proposed subdivision.
5. All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets or roads.
6. The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also north point, scale, date and name and address of surveyor and engineer. Title of subdivision is subject to change to eliminate confusion with previously recorded subdivisions.
7. Sites for schools, parks or playgrounds proposed by the subdivider for public or private use.
8. For all major streets or roads except local residential streets, the minimum radius of curvature shall be 300 feet on the centerline; and for local residential streets 50 feet. The maximum grade for any street shall not exceed six percent, except in the case of local residential streets, where eight percent grade shall be permissible if approved by the City Engineer. Changes in grades for all streets shall be connected by vertical curves of minimum length equal to 30 times the algebraic difference in rate of grade. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the City Engineer.
9. The location and manner of providing water supply and sewage treatment facilities.
10. An attorney's opinion of the abstract covering the property to be included in the final plat, submitted in duplicate, showing all taxes due having been previously paid and that there are no outstanding liens or encumbrances on the property. The names of all record titleholders and any other information that might otherwise affect the title of

lots in the proposed subdivision shall be shown. The opinion shall be written by an attorney admitted to the practice of law in the State of Iowa.

Any plat not containing all information specified above shall not be considered by the Council.

165.08 INFORMATION REQUIRED ON FINAL PLATS. Following preliminary approval, five copies of the final plat shall be submitted to the Council for study and review. This plat shall be made from an accurate survey by a licensed land surveyor and engineer and drawn to a scale of 100 feet to the inch or larger. The final plat shall show the following:

1. Boundaries of the property; lines of all proposed streets with their width, and any other areas intended to be dedicated to public use. The boundaries shall be accurately tied to the nearest section corner.
2. Lines of adjoining roads and streets, with their width and names.
3. All lot lines, lot and block numbers and building lines in accordance with Chapter 155 and easements, with figures showing their dimensions and area.
4. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements, and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
5. Radii, arc and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
6. All surveyors' monuments, together with their descriptions, including ties to original government corners.
7. Title and complete legal description of property subdivided, showing its location and extent, points of compass, date, scale of plat, and certification and name of engineer or surveyor staking the lots.
8. Plan and profiles of all streets and alleys, 100 feet horizontal scale and 10 feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing; and profiles of north and south streets with the south end of the profile at the left side of the drawing. Cross-sections of all streets in the subdivision shall be submitted to the City Engineer on standard cross-section paper.
9. The accurate outline of all property which is offered for dedication for public use, with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
10. The following material shall also be submitted with the final plat:
 - A. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
 - B. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use. The deed shall be held in escrow by the City until such time as the improvements are satisfactorily completed and accepted by the Council. The deed shall then be filed with the County Recorder as a permanent record.

C. The following documents:

(1) A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council;

(2) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

(3) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

(4) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

165.09 DESIGN AND DEVELOPMENT STANDARDS. No subdivision plat shall be approved by the Council unless it conforms to the following minimum standards and requirements, except those plats referred to in Section 165.04 as Auditor's plats.

1. Large Lot Subdivision. Whenever the area is divided into lots of such size that there are indications that the lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half of the street shall be platted.

3. Street Width.

A. The width of major thoroughfares shall conform to the widths adopted by the Council upon recommendation of the City Engineer. When new

subdivisions border presently established roads, a 45-foot easement from centerline shall be given for road purposes.

B. The minimum width for local residential streets shall be 50 feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Council may reduce the above requirements.

C. Dead-end streets shall not be over 600 feet in length and shall have a minimum width of 60 feet, unless, because of unusual conditions the Council shall approve a street of greater length and/or less width. All dead-end streets shall terminate in a circular right-of-way or cul-de-sac with a minimum diameter of 100 feet or other equally suitable provision for vehicular turning space.

D. Easements of not less than five feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, telephone and other utilities. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

4. Blocks. No block shall be longer than 1,320 feet.

5. Lots.

A. All side lot lines shall be substantially at right angles to or radial to street centerlines, unless the Council shall agree that a variation to this requirement will provide for better street and lot arrangement. Double frontage lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.

B. The minimum depth for a lot shall be 100 feet.

C. Corner lots shall be of such width as to permit the maintenance of all yard requirements.

D. All lots at street intersections shall have a radius of not less than 25 feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.

E. All lot corners shall be marked with an iron pin capped with the surveyor's identification.

6. Street Names. Street names for streets which are extensions of existing streets or roads shall be the same. Street names shall be subject to Council approval.

7. Building Lines. Building lines shall be shown on all lots intended for residential, commercial or industrial use.

8. Character of Development. The Council shall have the right to disagree with the subdivider regarding the type and character of development that will be permitted in the subdivision and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

9. Easements Along Streams. Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. The subdivider shall also provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the stream. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than 30 feet.

165.10 IMPROVEMENTS. Before the final plat of any area shall be approved by the Council and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond, approved by the Council, which bond will insure to the City that the improvements will be completed by the subdivider within one year after final approval of the plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the City Engineer. If the improvements are not completed within the specified time, the City may use the bond or any portion thereof to complete the same. The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved shall be in accordance with the following subsections:

1. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The paving of such new streets shall be built according to the standards and specifications of the City Engineer, but in no case shall it consist of less than a concrete curb and gutter, and an asphaltic concrete surface course laid on a base approved by the City Engineer or six inches of reinforced Portland cement concrete with integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the City Engineer.
2. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.
3. The subdivider shall construct sanitary and storm water sewers according to the standards and specifications of the City Engineer, and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks shall be permissible as a temporary measure pending future sewer service; provided, the subdivider shall furnish a report from the County Health Officer and the engineer staking the lots, stating that the proposed lots have been tested and found suitable for septic tank installation. Where a private water supply or sewage treatment system is proposed, the subdivider shall furnish evidence that these facilities have been approved by the State Department of Natural Resources.
4. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least 30 inches long, and shall conform with standard specifications of the City Engineer.
5. The subdivider shall provide for the installation of water mains and fire hydrants in the subdivided area. Such installation shall be made prior to the street

pavement construction, shall be in accordance with the standards and specifications of the City Engineer and shall provide as follows:

- A. A central watertight system providing for the piping of water from said central point in the subdivision to all lots or areas of said subdivision. Lots of five acres or more in a subdivision may be served by a private well or private water system.
 - B. Water mains installed in said central water system shall be extended to all lots or areas of said subdivision in accordance with the provisions of this chapter, building codes and regulations of the State and County, in such locations and of a design approved by the City Engineer.
 - C. No water mains or lines of the central watertight system or sewer lines, except a stub end from said lines, shall be installed underneath the normal traveled portion of any street, the same to be located in an appropriate place as approved by the City Engineer.
 - D. No street or alley shall be maintained by the City unless or until a workable agreement has been entered into between the City and the subdividers which will appropriately set forth the responsibility for payment of all costs to the subdivider or persons acquiring land therein for the maintenance of water and sewer utilities installed in accordance with this chapter; and further providing for payment to the City for any damage caused to roads which may occur by reason of maintenance of water and sewer lines.
6. Street signs shall be required at all intersections and shall be of the type approved by the City Engineer.
7. The Council may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts be installed underground. 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 such a manner so as not to interfere with other underground utilities. 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 be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of the City Engineer. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Council may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.
8. All plans, specifications, installation and construction required by this chapter shall be subject to review, approval and inspection by the City Engineer or other authorized representative of the City.
- A. The City may require contracts for all public improvements to be executed on forms furnished and approved by the City Attorney and the Council.
 - B. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any or all construction, and shall notify the

City Engineer not less than 48 hours in advance of readiness for required inspections. The subdivider shall reimburse the City for the costs expended for all inspection services and tests furnished and conducted by or on behalf of the City.

C. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warranty the design, materials and workmanship of such improvements, installation and construction for a period of two years from and after completion. Such warranty shall be by bond or other acceptable collateral and shall be subject to review by the City Attorney, shall assure the expedient repair or replacement of defective improvements under warranty and shall indemnify the City from all costs or losses resulting from or contributed to such defective improvements.

165.11 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Council may modify or vary such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner; provided, however, all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this chapter and granted with the view toward protecting the public interest and welfare.

165.12 FEES. Before a preliminary plat shall be considered by the Council, the subdivider or an agent shall deposit with the Clerk a fee of \$100.00. A receipt of such filing fee shall be filed with the preliminary plat. Before a final plat is considered by the Council, the subdivider or agent shall deposit with the Clerk a fee of \$50.00, plus \$20.00 for each lot included in the final plat. Before final approval by the Council, subdivider or the agent shall deposit with the Clerk a sum equivalent to all costs of publication and notification with respect to the plat in excess of \$25.00. A receipt of such filing fees and for such publication and notification costs in excess of \$25.00 shall be filed with each final plat.

165.13 ENFORCEMENT.

1. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein.
2. The Mayor shall not issue permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of the ordinance codified in this chapter but which has not been approved in accordance with the provisions contained herein.
3. Streets not accepted by the Council and added to the Secondary Road System shall be considered private roads.

165.14 CHANGES AND AMENDMENTS. Any regulation or 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 Council and until after a public hearing has been held, public notice of which shall have been published at least once in a newspaper of general circulation in the City, at least 15 days prior to such hearing.

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