

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety and general welfare.

166.02 JURISDICTION. In accordance with the provisions of Chapter 354 of the Code of Iowa, this chapter is adopted by the City governing the subdivisions of all lands within the corporate limits and within one (1) mile adjacent to the corporate limits of the City.

166.03 DEFINITIONS. For the purpose of this chapter, certain words and terms are defined:

1. "Block" means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways, or ways except alleys, and the exterior boundary or boundaries of the subdivision.
2. "Building lines" shall be shown on all lots intended for residential use of any character, and on commercial lots immediately adjoining residential areas. Such building lines shall not be less than required by an applicable zoning ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
3. "Commission" means the City Planning and Zoning Commission.
4. "Easement" means a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the

right to trim or remove trees which interfere with the use of such easements.

5. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose whether immediate or future, of transfer of ownership or for the building development.

6. "Performance bond" means a surety bond or cash deposit made out to the City and deposited with the City Treasurer in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the Commission, and said surety bond or cash deposit being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter,

7. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

8. "Street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

A. Alleys are minor ways providing a second means of access to a property.

B. Arterial streets are those which are used primarily for fast or heavy traffic.

C. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

D. Cul-de-sacs are minor streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

E. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

F. Minor streets are those which are used primarily for access to the abutting properties.

9. "Subdivision" means the division of land into three (3) or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change

in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

10. "Subdivider" means any person dividing or proposing to divide land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

166.04 PROCEDURE. In obtaining approval of a proposed subdivision by the Commission and Council, the subdivider shall submit a preliminary plat, and a final plat in accordance with this chapter.

166.05 PRELIMINARY PLAT.

- 1 The subdivider shall first prepare and file with the Clerk three (3) copies of a preliminary plat showing the following:
 - A. Title, scale, north point, and date.
 - B. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships, and range lines or corners.
 - C. Present and proposed streets, alleys and sidewalks, with their right-of-way in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips.
 - D. Proposed layout of lots, showing numbers, dimensions, radii, chords, and the square foot areas of lots that are not rectangular.
 - E. Building setback or front yard lines.
 - F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
 - G. Present and proposed easements, showing locations, widths, purposes, and limitations.
 - H. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities,, and other facilities, with the size, capacity and location of each.

- I. The proposed name of the subdivision which must be distinct from other subdivisions' names in the County.
 - J. Names and addresses of the owner, subdivider, builder and engineer or surveyor who will prepare the final plat.
 - K. Any zoning of the site and adjoining property.
 - L. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
2. Plat Referrals. The Clerk shall forthwith refer three (3) copies of the preliminary plat to the Commission.
 3. Commission Action. Following review of the preliminary plat and other material submitted for conformity thereof to these regulations and after negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Commission shall, within a reasonable time, pass upon the preliminary plat as originally submitted or modified. If approved, the Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.
 4. Action Noted. The action of the Commission shall be noted on each copy of the preliminary plat submitted to it, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the others retained by the Commission. Acceptance means approval of the design as a basis for the preparation of the final plat.

166.06 FINAL PLAT. The final plat shall conform to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

1. The final plat shall be submitted to the Commission for approval within one year after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Commission.
2. The final map and two prints thereof shall be submitted to the Commission. The map shall be made with India ink, not more than one hundred (100) feet to an inch on one or more sheets 11 1/2 inches by 18

inches in size on "Mylar" Base Polyester Tracing Film (minimum thickness .003 inch). It shall show:

- A. The subdivision name.
 - B. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets, and alleys. These should be exact and complete to include all distances, radii, arcs, chords, points of tangency, and central angles.
 - C. Street names and clear designations of public alleys. Streets that are continuations of present streets shall bear the same name. If new names are needed, they shall be distinctive. Street names may be required to conform to the City Plan,
 - D. Location, type, materials and size of all monuments and markers including all U.S., County, or other official bench marks.
3. The final plat shall also have attached to it:
- A. A correct legal description of the subdivision land;
 - B. 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;
 - C. 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.
 - D. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

Utility easements shall not be construed to be encumbrances for the purpose of this section.

E. 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.

F. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

G. Specifications and engineering construction drawings including profiles, cross-sections and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards, including a site grading plan for the entire subdivision.

H. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted to the City prior to construction or with the final plat if not constructed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

4. The plat shall conform to all requirements of Chapter 354 of the Code of Iowa.

5. The Commission shall then consider the final plat and if the same is approved shall submit their recommendation of approval to the Council together with a certified copy of their resolution showing the action of the Commission.

6. The Council shall then consider the plat and if the same is acceptable and in accordance with this chapter, the Council shall accept the same. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.

7. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in

the office of the County Recorder of Guthrie County, Iowa, as provided in Chapter 354 of the Code of Iowa and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

166.07 GENERAL REQUIREMENTS. The following general requirements shall be followed by all subdividers:

Layout. The arrangements, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

A. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan for the neighborhood approved by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

B. Minor streets shall be so laid out that their use by through traffic will be discouraged.

C. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with near service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

D. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

E. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the

Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

F. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

G. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

H. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval,

2. Streets. Street design shall conform to the following:

A. Insofar as is practical, acute angles between streets at their intersections are to be avoided.

B. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

C. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

D. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the Commission shall determine for special cases.

E. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

F. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the Commission may deem it necessary. The Commission may permit comparable cut-offs or chords in place of rounded corners.

G. Street right-of-way widths shall be as provided by ordinance.

H. Cul-de-sac streets, designed to be so permanently, shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of the street shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

I. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission.

J. Street grades shall not exceed five percent (5%), with due allowance for reasonable vertical curves, except as of otherwise approved by the Commission.

K. No street grade shall be less than one-half (1/2) of one percent.

3 Alleys. Alley design shall be in accordance with the following:

A. Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

B. The width of an alley shall be a minimum of twelve (12) feet.

C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

D. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Commission.

4 Easements. Easements shall be provided as follows:

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

B Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width for construction, or both, as will be adequate for the purpose.

5 Blocks. Block design shall be in accordance with the following:

A. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the centerlines of intersecting streets, except where, in the opinion of the Commission, extraordinary conditions unquestionably justify a departure from these limits.

B. In blocks over seven hundred (700) feet in length, the Commission may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

6 Lots. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and conform to the following:

A Minimum lot dimensions and sizes shall conform to the requirements of the City ordinances; provided:

(1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide nor less than ten thousand (10,000) square feet in area.

(2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.

B. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

C. Double frontage, or lots with frontage on two parallel streets should be avoided except where essential to provide separation of residential development from traffic arteries or to

overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

D. Side lot lines shall be substantially at right angles or radial to street lines.

166.08 IMPROVEMENTS. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Council and to its satisfaction.

1. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Council, and monuments shall be of such material, size, and length as may be approved by the Council.

2. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Commission.

3. Roadways. All roadways shall be surfaced with Portland cement concrete or with asphaltic concrete over a crushed stone base as the Commission and Council may require.

4. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the Council.

5. Sidewalks. Sidewalks may be required by the Council if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the Council.

6. Water Lines. Where a public water main is accessible, the subdivider shall connect with such water main and provide a water connection for each lot and stubbed into the proper line in accordance with the Water Department Standards, procedure and supervision.

7. Sewers. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sanitary sewer shall be stubbed in to each lot. Sewer

systems shall be approved by the Council and the Board of Health of the State of Iowa.

8. Storm Water. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Council.

9. Improvements Completed. 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 Clerk shall report that said improvements meet all City specifications and ordinances or other City requirements, and agreements between the subdivider and the City.

10. Waiver of Completion. The requirement that improvements must be completed may be waived if the subdivider will post a performance bond with the Council and deposited to the City Treasurer, guaranteeing that said improvements will be constructed within a period of one year from final acceptance of the plat, which 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, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

11. Development Agreements. The requirement that improvements must be completed before a final plat is approved may be waived by the City Council if the subdivider executes a development agreement approved by the Council. Said development agreement shall include, as a minimum: the responsibility for the subdivider to construct all improvements within the subdivision, or provisions for the construction of said improvements; any provisions for the use of Tax Increment Financing by the subdivider for construction of improvements within the subdivision; and a requirement that no public funds will be expended for the construction of improvements called for by this chapter within the subdivision, except as specifically provided for by the terms of said development agreement. Any such development agreement will not constitute final acceptance by the City of any improvements to be constructed. Such improvements will be accepted by the City only after construction has been completed, and inspected by the City. No public funds will be expended in the subdivision until such improvements have been completed and accepted by the City, except as specifically provided for by the terms of said development agreement.

166.09 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this

chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance, modifications or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than a minimum easing of the requirements and in no instance shall it be in conflict with any zoning or restricted residence ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths of the members of the Council.

166.10 PENALTY. Anyone violating any of the provisions of this chapter shall be in violation of this Code of Ordinances, and each day that such violation continues shall constitute a separate offense. In addition to, or in lieu thereof, the Council may declare any violation of any of the provisions of this chapter to constitute a nuisance, subject to abatement as provided by statute, or ordinance of the City.

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