

CHAPTER 165

SUBDIVISION REGULATIONS

165.01 Purpose	165.10 Accompanying Material
165.02 Definitions	165.11 Certificates
165.03 Plats in Unincorporated Areas	165.12 Design and Development Standards
165.04 Preliminary Approval by Commission	165.13 Improvements
165.05 Auditor's Plats	165.14 Variations and Exceptions
165.06 Final Approval by Commission	165.15 Fees
165.07 Approval by the Council	165.16 Enforcement
165.08 Information Required on Preliminary Plat	165.17 Changes and Amendments
165.09 Information Required on Final Plat	

165.01 PURPOSE. The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare in the City.

165.02 DEFINITIONS. For use in this chapter, the following terms or works are defined.

1. "Alley" means a public right-of-way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
2. "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.
3. "Building line" means a line on a plat between which line and public right-of-way no buildings or structures may be erected.
4. "Commission" means the Planning and Zoning Commission of the City.
5. "Cul-de-sac" means a dead-end street permanently closed to through traffic and being terminated by a vehicular turnaround.
6. "Easement" means a right-of-way granted for the purpose of limited private, public and quasi-public uses across private land.
7. "Lot" means a portion of a subdivision or other plot or parcel of land which is or in the future may be offered for sale, conveyance, transfer or improvement.
8. "Major street" means a street, other than a local service street, as designated on the Comprehensive Land Use Plan of the City.

9. "Planning officer" means the person designated by the Council to administer and enforce the provisions of this chapter.
10. "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.
11. "Proprietor's plat" means a plat as defined herein submitted by the owner of the land being platted, or by said owner's agent, or other private entity, acting with the consent of the owner.
12. "Residential street" means a local service street used primarily for access to abutting property.
13. "Subdivision" means the division of a lot, tract or parcel of land into three (3) or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes the resubdivision of land 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 more than forty (40) acres, 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 more than 40 acres shall not be further divided without meeting all of the requirements of this chapter.

165.03 PLATS IN UNINCORPORATED AREAS. With regard to subdivisions located in the unincorporated area of the County within the area bounded on the east, north and west by the levee of Drainage Districts No. 10 and No. 12, on the south by Highway No. 6, on the southeast by the east line of Section 30, and on the southwest by the west line of Section 36, the provisions of this chapter shall apply.

165.04 PRELIMINARY APPROVAL BY COMMISSION. Whenever the owner or owners of any tract or parcel of land within the corporate limits of the City or within the area described in Section 165.03 of this chapter, wishes to make a subdivision of the same, said owner shall cause to be prepared a preliminary plat of said subdivision and shall submit twelve (12) copies of said preliminary plat and such other information as hereinafter required to the Commission for its preliminary study and approval. The Commission shall refer two (2) copies of the preliminary plat to the planning officer, who shall examine said preliminary plat as to its compliance with the ordinances and regulations of the City, the existing street system, and good municipal utility practices. The planning officer shall submit recommendations along with a

copy of the preliminary plat to the Commission for its consideration. The preliminary plat shall contain such information and data as outlined in Section 165.08 hereof. The Commission shall study such preliminary plat to see if it conforms with the standards and requirements as outlined in this chapter and shall approve or reject such plat within forty-five (45) days after the date of submission thereof to the Commission. If the Commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed ninety (90) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat for at least a portion of the preliminary plat is presented within 180 days after date of approval. Before approving a preliminary plat, the Commission may in its discretion hold a public hearing, notice of which shall be given by publication in a newspaper in general circulation in the City or by placing in the United States mail appropriate form of notice setting the time and place at which said plat shall be considered by the Commission.

165.05 AUDITOR'S PLATS. With regard to Auditors' plats as distinguished from proprietor's plats, the Commission and Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 165.08, 165.12 and 165.13 of this chapter, providing there is on file with the Commission a copy of the request of the Iowa 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.

165.06 FINAL APPROVAL BY COMMISSION. The subdivider shall also submit to the Commission for its approval or rejection twelve (12) copies of a final plat of the subdivision which shall contain the data and information outlined in Section 165.09 of this chapter. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Secretary of the Commission. The approval of the final plat by the Commission shall be null and void unless the final plat is submitted to the Council within one year after date of approval by the Commission.

165.07 APPROVAL BY THE COUNCIL. After approval of the final plat of the subdivision by the Commission, the recommendation of approval and ten (10) copies of the final plat shall be submitted to the Council by the Secretary of the Commission for final approval and for the acceptance of all 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 165.13 herein shall be installed. If the Commission does

not approve the final plat, the Council may approve said plat and accept the public areas and easements thereon only by a three-fourths vote of the entire membership of the Council. Approval of the final plat by the Council shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application for an extension of time is made in writing during said thirty-day period to the Council, and granted.

165.08 INFORMATION REQUIRED ON PRELIMINARY PLAT. Each subdivider of land should confer with the Commission before preparing the preliminary plat in order to become thoroughly familiar with the Comprehensive Land Use Plan and with other municipal regulations affecting the area in which the proposed subdivision lies. The owner shall submit twelve (12) copies of a preliminary plat to the Commission which shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100') by a registered engineer and 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.
2. Existing contour intervals of not more than two (2) feet, provided, however, that a minimum of two (2) 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 subsurface 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 five hundred (500) feet to the inch shall be shown on or accompany the proposed plat. This map shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys 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.

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, name of surveyor and engineer.
7. Sites for schools, parks, playgrounds and provision for major streets in accordance with the Comprehensive Land Use Plan.
8. The zoning district or districts in which the land to be subdivided is located according to the zoning ordinance.
9. For all major streets except collectors and local service streets the minimum radius of curvature shall be three hundred (300) feet on the centerline; for collector streets one hundred (100) feet and local service streets fifty (50) feet. The maximum grade for any streets shall not exceed seven percent (7%), except in the case of local service streets where ten percent (10%) grade shall be permissible. Changes in grades for all streets shall be connected by vertical curves of minimum length equal to fifteen (15) 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 Superintendent of Streets.
10. Any plat that cannot be reasonably served by public sewer shall show the results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the Council or County Health Department.
11. An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due have been previously paid and that there are no outstanding liens or encumbrances on the property. The names of all record title holders 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 Commission.

165.09 INFORMATION REQUIRED ON FINAL PLAT. Following preliminary approval, twelve (12) copies of the final plat shall be submitted to the Commission for study and review. Ten (10) copies of the final plat as ultimately approved by the Commission shall be necessary for submission to the Council for its approval. This plat shall be made from an accurate survey by a

licensed land surveyor and engineer and drawn to a scale of one hundred (100) feet to the inch or larger. The final plat shall show the following:

1. The boundaries of the property, the lines of all proposed streets and alleys 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. The allowable unadjusted error of closure on the traverse of the boundaries of the plat shall be 1 in 10,000. Latitude and departure computations on the traverse closure shall be submitted with the plat.
2. The lines of adjoining streets and alleys with their width and names.
3. All lots lines, lot and block numbers, building lines and easements, with figures showing their dimensions.
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 foot 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 surveyor's monuments, together with their descriptions. Monumentation shall meet the requirements of Chapter 354 of the Code of Iowa.
7. Title and complete legal description of property subdivided, showing its location and extent, points of compass, scale of plat, and certification and name of engineer or surveyor staking the lots.

165.10 ACCOMPANYING MATERIAL. The following material shall be required to be submitted prior to or at the time the final plat is submitted to the Council for approval.

1. Plans and profiles shall be submitted of all streets and alleys, 50 feet horizontal scale and 5 feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipe lines, 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 shall be drawn so that the south end of the profile shall be at the left side of the drawing.
2. Any easements or deeds, properly executed, for all streets or roads intended to be dedicated for public use.

165.11 CERTIFICATES. The final plat shall also be accompanied by the following at the time it is presented for filing:

1. A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
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.

165.12 DESIGN AND DEVELOPMENT STANDARDS. No subdivision plat shall be approved by either the Commission or by the Council unless it conforms to the following minimum standards and requirements, except those plats referred to in Section 165.05 as Auditor's Plats.

1. Acre Subdivision. Whenever the area is divided into lots containing one or more acres and there are indications that such lots will eventually be resubdivided into small 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 and alley 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 or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.

3. Street Width.

A. The width for major streets shall conform to the widths designated on the Comprehensive Land Use Plan.

B. The minimum width for local service streets shall be sixty (60) feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Commission may reduce the above requirements.

C. Dead-end streets shall not be over six hundred (600) feet in length and shall have a minimum width of sixty (60) feet, unless, because of unusual conditions the Commission 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 one hundred (100) feet or other equally suitable provision for vehicular turning space.

D. Easements of not less than five (5) 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. Easement of greater width may be required along lot lines or across lots where necessary for the extension of main sewers and similar utilities.

4. Blocks. No block shall be longer than 1,000 feet, except where topography or unusual conditions permit a greater length.

5. Lots.

A. All side lot lines shall be substantially at right angles or radial to street centerlines unless the Commission 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 dimensions for lots shall be in accordance with the bulk regulations of the zoning ordinance for the district within which the subdivision is located; provided, however, that 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 as required by the zoning ordinance.

D. All lots at street intersections shall have a radius of not less than fifteen (15) 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.

6. Street Names. Street names for streets which are in alignment with or extensions of existing streets shall be the same. Street names shall be subject to Commission and Council approval.

7. Building Lines. Building lines shall be shown on all lots intended for residential, commercial or industrial use. Such building lines shall not be less than the minimum yard requirements of the zoning ordinance for the district within which the property is located.

8. Character of Development. The Commission and Council shall have the right to agree 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 or County 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 twenty (20) feet.

165.13 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 City Attorney and City Treasurer, with the City, 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 Council. If the improvements are not completed within the specified time, the City may use the bond or any portion thereof to complete the same. For plats located in the unincorporated areas within the area described in Section 165.03 of this chapter, the requirements of this section shall apply. The Commission and Council may waive the requirements of this section provided they are satisfied that the regulations governing the unincorporated areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations. 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:

1. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The paving on such new streets shall be built according to the standards and specifications of the City, 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 Superintendent of Streets or six (6) inches of reinforced or seven (7) inches of non-reinforced Portland cement concrete with integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the Comprehensive Land Use Plan.
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, 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 Department and Public Works Director, stating that the proposed lots have been tested and found suitable for septic tank installations.

4. The subdivider shall provide for the installation of water mains and fire hydrants in the subdivided area, and such installation shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of the City.
5. The subdivider shall provide for the installation of sidewalks along all new or existing streets in the subdivision. The sidewalks shall be built according to standards and specifications of the City.
6. 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.
7. The Council and Commission 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. 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 and Commission 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 Public Works Director or an authorized representative.
 - A. The Council 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 Public Works Director with a construction schedule prior to commencement of any

and/or all construction, and shall notify the Public Works Director not less than 48 hours in advance of readiness for required inspection. 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.

9. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials and workmanship of such improvements, installation and construction for a period of two (2) 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.

165.14 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, upon written recommendation of the Commission, 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 welfare and interest of the City and surrounding area.

165.15 FEES. Before a preliminary plat shall be considered by the Commission, the subdivider or agent shall deposit with the Clerk a fee of fifty dollars (\$50.00). A receipt for such filing fee shall be filed with the preliminary plat. Before a final plat shall be considered by the Commission, the subdivider or agent shall deposit with the Clerk a fee of twenty-five dollars (\$25.00), plus one dollar (\$1.00) for each lot included in the final plat. A receipt for such filing fee shall be filed with the final plat.

165.16 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 Zoning Administrator 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. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of such ordinance unless the subdivision or street has been approved in accordance with the provisions contained herein.

165.17 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 Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen (15) days prior to such hearing.

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