

## CHAPTER 166

# SUBDIVISION REGULATIONS

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**166.01 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.

**166.02 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, thirty (30) feet or less in width, affording secondary means of access to abutting property.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
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. “Cul-de-sac” means a minor street having one end open to traffic and terminated by a vehicular turnaround.
5. “Easement” means a grant of the right to use a strip of land for specific purposes by the general public, a corporation or certain persons.
6. “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 building development.
7. “Major street” means a street of considerable continuity connecting various sections of the City and designated as a major street on the official map or street plan of the City.
8. “Minor street” means a street which is used primarily for access to the abutting properties.
9. “Performance bond” means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, as estimated by the Superintendent of Public Works, and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed.

10. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision of land is presented and which the subdivider submits for approval and intends, in final form, to record.

11. "Subdivider" means the person undertaking the subdivision or resubdivision of a tract or parcel of land.

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

13. "Superintendent of Public Works" means the Superintendent of Public Works of the City.

**166.03 PLATTING REQUIRED.** Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or, pursuant to Section 354.9 of the *Code of Iowa*, within two (2) miles from the corporate limits shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

**166.04 PROCEDURE.** In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements hereinafter set forth and install improvements or provide a performance bond.

**166.05 REQUIREMENTS OF PRELIMINARY PLAT.** The subdivider shall first prepare and file with the Clerk seven (7) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners.
3. 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, and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitations.
8. 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, invert elevation and location of each.

9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater, unless the Council waives this requirement.
14. Location, size and number of mailboxes or cluster/collection box units ("CBU"). *(Ord. 2013-6 – Apr. 14 Supp.)*

**166.06 REFERRAL OF PRELIMINARY PLAT.** The Clerk shall forthwith refer two (2) copies of the preliminary plat to the Superintendent of Public Works and five (5) copies to the Council.

**166.07 ACTION BY SUPERINTENDENT OF PUBLIC WORKS.** The Superintendent of Public Works shall carefully examine said preliminary plat as to its compliance with the laws and regulations of the City, the existing street system, and good engineering practices and shall, as soon as possible, submit findings in duplicate to the Council, together with one copy of the plat received.

**166.08 FIRST ACTION BY THE COUNCIL.** The Council shall, upon receiving the report of the Superintendent of Public Works, as soon as possible, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. It shall then set forth its recommendations in writing, whether of approval, modification, or disapproval.

1. In the event that substantial changes or modifications are made by the Council or disapproval of the plat, the Council shall give its reasons therefor and may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. If approved, the Council shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.
3. The action of the Council shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other copies retained by the Council.
4. The "Conditional Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

**166.09 FINAL PLAT.** The final plat shall conform substantially 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.

**166.10 REFERRAL OF FINAL PLAT.** The subdivider shall, within twelve (12) months of the "Conditional Approval" of the preliminary plat by the Council, prepare and file seven (7) copies of the final plat and other required documents with the Clerk as hereinafter set forth, and upon failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Council. Upon receipt of the final plat and other required documents, the Clerk shall transmit five (5) copies of the final plat to the Council for its recommendations and approval.

**166.11 REQUIREMENTS OF THE FINAL PLAT.** The final plat shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one inch with India ink on a reproducible tracing linen. It shall show:

1. The title under which the subdivision is to be recorded.
2. 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, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., County or other official bench marks.
5. The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
6. A sealed certification of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.

**166.12 FINAL PLAT ATTACHMENTS.** The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. 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.
3. 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.
4. 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*.

5. A certificate of dedication of streets and other public property.
6. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
7. Resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
8. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.
9. A certificate by the Superintendent of Public Works that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk.
10. The encumbrance bond, if any.

**166.13 ACTION BY THE COUNCIL.** Upon receipt of the final plat and attachments, the Council shall, within a reasonable time, either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out how the proposed plat is objectionable.
2. In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.
3. 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, 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.

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

1. Relation to Existing Streets.
  - A. The arrangement, 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.
  - B. 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 plat for the neighborhood approved by the Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
2. Acreage Subdivisions.
  - A. 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.

B. 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.

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

3. Minor Streets. Minor streets shall be so planned as to discourage through traffic. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turnaround, 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 such streets shall be a minimum of sixty (60) feet. The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

4. Frontage Streets.

A. Where a subdivision abuts or contains an existing or proposed arterial street, the Council may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear 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.

B. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Council 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.

5. Half Streets. 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 Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

6. Street Geometrics.

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

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

C. 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 Council shall determine for special cases.

- D. Street right-of-way widths shall be a minimum of sixty (60) feet.
7. Intersections.
- A. Insofar as is practical, acute angles between streets at their intersection are to be avoided.
- B. 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.
- C. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the Council may deem it necessary. The Council may permit comparable cutoffs or chords in place of rounded corners.
8. Street Names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council.
9. Street Grades. Street grades, wherever feasible, shall not exceed five percent (5%), with due allowance for reasonable vertical curves. No street grade shall be less than one-half ( $\frac{1}{2}$ ) of one percent.
10. Alleys.
- A. Alleys shall be provided in commercial and industrial districts, except that the Council 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 sixteen (16) 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 turnaround facilities at the dead end, as determined by the Council.
11. Blocks.
- A. No block may be more than three hundred sixty (360) feet or less than three hundred (300) feet in length between the centerlines of intersecting streets, except where, in the opinion of the Council, extraordinary conditions unquestionably justify a departure from these limits.
- B. In blocks over three hundred sixty (360) feet in length, the Council 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.
12. Lots.
- A. The lot size, width, depth, shape and orientations shall be appropriate for the location of the subdivision, for the type of development and use contemplated.





B. Minimum lot dimensions and sizes shall conform to the requirements of the City Zoning Ordinance, provided:

(1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide or 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 parking facilities required by the type and 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.

C. 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.

D. Double frontage and reverse frontage lots shall 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.

E. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building Lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Council may require building lines in accordance with the needs of each subdivision.

14. Easements.

A. Easements across lots or centered on rear or side 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.

15. Plat Markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the Superintendent of Public Works. The markers shall be of such material, size and length as may be approved by the Superintendent of Public Works.

**166.15 IMPROVEMENTS REQUIRED.** 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. 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 Council after receiving the report and recommendations of the Superintendent of Public Works.

2. Roadways. All roadways shall be surfaced with six-inch portland cement, Iowa Department of Transportation A-4 mix specifications and shall be twenty-seven (27) feet in width from curb to curb faces.
3. 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 after receiving the report and recommendations of the Superintendent of Public Works.
4. 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 after receiving the report and recommendations of the Superintendent of Public Works.
5. Water Lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Water Department standards, procedure and supervision.
6. Sewers.
  - A. 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 sewers shall be stubbed into each lot. Sewer systems shall be approved by the Council and the State Department of Health.
  - B. Where sanitary sewers are not available, other facilities, as approved by the Council and the State Department of Health, must be provided for the adequate disposal of sanitary waste.
  - C. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Council and to the supervision of the Superintendent of Public Works.

**166.16 COMPLETION OF IMPROVEMENTS.** Before the Council will approve 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 Superintendent of Public Works shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

**166.17 PERFORMANCE BOND.** The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat; but final acceptance of the plat 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.

**166.18 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, however, such variance, modification 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 minimum easing of the requirements and in no instance shall it be in conflict with the Zoning Ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Council.

**166.19 CHANGES AND AMENDMENTS.** Any regulations or provisions of this chapter may be changed and amended from time to time by the Council, provided however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four (4) or more than twenty (20) days before the date of the hearing.

**166.20 CHAIN SUBDIVIDING.** No more than two (2) building permits for each separate tract existing on May 4, 1987, shall be issued unless the tract has been platted in accordance with this chapter, except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions or improvements to a main or accessory building already legally located upon said tract.