

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 JURISDICTION. All plats, replats or subdivision of land into three or more parts for the purpose of laying out a portion of the City, additions thereto, or suburban lots within one (1) mile of the corporate limits of the City, for other than agricultural purposes, shall be submitted to the Council and Planning and Zoning Commission of the City, in accordance with the provisions of this chapter, and shall be subject to the requirements established herein.

166.02 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined. The word “building” includes the word “structure.”

1. “Alley” means a permanent public service way or right-of-way designed to provide a secondary means of access to abutting property.
2. “Building line” means a line established on a plat as a restrictive covenant beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirement established in the zoning ordinance, and where they do not, the most restrictive requirement will control.
3. “Collector street” means a street intended to carry vehicular traffic from residential streets to thoroughfares or traffic generators.
4. “Commission” means the Planning and Zoning Commission of the City.
5. “Cul-de-sac” means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
6. “Easement” means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person’s property.

7. “Final plat” means the map or drawing on which the subdivision plan is presented in the form which, if approved by the Council and Commission, will be filed and recorded with the County Recorder.
8. “Preliminary plat” means a study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and Commission for consideration.
9. “Residential street” means a street used primarily for access to abutting property.
10. “Right-of-way” means the area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.
11. “Separate tract” means a parcel of land or a group of contiguous parcels of land under one ownership on the effective date of the ordinance codified in this chapter.
12. “Street” means a right-of-way other than an alley dedicated or otherwise legally established to be accepted for public use, usually affording the principal means of access to abutting property. A street may be designated as a street, highway, thoroughfare, parkway, avenue, road, lane, drive, place or other appropriate designation.
13. “Subdivider” means any person who shall lay out, for the purpose of sale or development, any subdivision or part hereof as defined herein, either for himself or others.
14. “Subdivision” means the division of a separate tract of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new road is involved, any division of a parcel of land.
15. “Thoroughfare” means a street intended for cross-country or through traffic.

166.03 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee of ten dollars (\$10.00), which shall be credited to the General Fund of the City.

166.04 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit

the reasonable development of the land while preserving the intent of this chapter.

166.05 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall be enforced as follows:

1. No plat or subdivision in the City or within one (1) mile thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.
2. No more than two (2) building permits shall be issued for each separate tract existing at the effective date of the ordinance codified herein unless the tract shall have been platted in accordance with the provisions contained herein.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of adoption of the ordinance codified in this chapter unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.
4. Any person who shall hereafter dispose of or offer for sale or lease any lots in the City or addition thereto unless the plat thereof has been approved in accordance with this chapter and recorded, shall forfeit and pay fifty dollars (\$50.00) for each lot or part of lot sold or disposed of, leased or offered for sale.

166.06 AMENDMENTS. This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

166.07 PRELIMINARY PLATTING PROCEDURE.

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein, and shall file three (3) copies and a reproducible sepia or tracing of the plat with the Clerk.

2. The Clerk shall immediately transmit two (2) copies of the preliminary plat to the Commission for study and recommendation.
3. The Commission shall examine the plat as to its compliance with this chapter and the comprehensive plan of the City. The Commission shall within thirty (30) days after receipt of the plat submit a recommendation to the Council provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days. A copy of the recommendation shall be forwarded to the owner or developer.
4. The Council, upon receipt of the Commission's recommendation or after thirty (30) days or an approved extension thereof, shall have passed, shall by resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the Council will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

166.08 FINAL PLATTING PROCEDURE.

1. A final plat shall be submitted within twelve (12) months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats in Section 166.07 above.
3. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the Clerk, County Auditor and County Recorder along with such other certifications and instruments as may be required by law.

166.09 PLATS OUTSIDE CORPORATE LIMITS. Procedure for approval of preliminary and final plats of land within one (1) mile of the corporate limits shall be the same as set out in Section 166.07 and 166.08 above, except that five (5) copies of the plat shall be filed with the Clerk and the Clerk shall refer one (1) copy to the County Engineer and one (1) copy to the County Planning and Zoning Commission and request their recommendations to be submitted to the City Planning and Zoning Commission. The Commission shall not act prior to receiving the recommendations of the County Planning and Zoning Commission.

166.10 PROFESSIONAL ASSISTANCE. The Council and Commission may request such professional assistance as they deem necessary to properly evaluate the plats as submitted.

166.11 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the following information:

1. A location map showing:
 - A. The subdivision name;
 - B. An outline of the area to be subdivided;
 - C. The existing streets and public or community utilities, if any, on adjoining property; and
 - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of one hundred (100) feet to one (1) inch provided that if the resulting drawings would be over twenty-four (24) inches in the shortest dimension, a scale of two hundred (200) feet to one (1) inch may be used, said preliminary plat to show:
 - A. Legal description, acreage and name of proposed subdivision;
 - B. Name and address of owner;
 - C. Name of person who prepared the plat, and the date thereof;
 - D. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision;
 - E. Location and widths, other dimensions and names of the proposed streets, utility easements and other open spaces or reserved areas;
 - F. A statement concerning the location and approximate size and capacity of utilities proposed to be installed;
 - G. Layout of proposed blocks (if used) and lots, including the dimensions of each and the lot and block number in numerical order;
 - H. Tract boundary lines showing dimensions, bearings, angles and references to known lines or bench marks;
 - I. Names of adjacent property owners;

- J. Proposed building lines;
- K. Grades of proposed streets;
- L. The location of proposed wells and/or water mains and sewage disposal system if a public or community system is used;
- M. North point and graphic scale;
- N. Layout of lots showing approximate dimensions and number.

166.12 FINAL PLAT REQUIREMENTS. The final plat shall meet the following specifications:

1. It may include all or only part of the preliminary plat.
2. The plat shall be drawn to the scale of one hundred (100) feet to one (1) inch, provided that if the resulting drawing would be over twenty-four (24) inches in the shortest dimension, a scale of two hundred (200) feet to one (1) inch may be used.
3. The final plat shall contain the following:
 - A. Accurate boundary lines with dimensions and angles which provide a survey of the tract closing with an error of not more than one (1) foot in three thousand (3,000) feet;
 - B. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part;
 - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
 - D. Accurate metes and bounds description of the boundary;
 - E. Street names;
 - F. Complete curve notes for all curves included in the plat;
 - G. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
 - H. Lot numbers and dimensions;
 - I. Block numbers, if blocks are used;
 - J. Accurate locations of easements for utilities and any limitations on such easements;

- K. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;
 - L. Building lines and dimensions;
 - M. Location, type, material and size of all monuments and markers;
 - N. Name of the subdivision;
 - O. Name and address of owner and subdivider;
 - P. North point, scale and date;
 - Q. Certification by a registered land surveyor of the State of Iowa;
 - R. Certification of dedication of streets and other public property; and
 - S. Resolution and certificate for approval by the Council and signatures of the Mayor and Clerk.
4. The final plat shall be accompanied by the following instruments:
- A. A certified statement from the owner and spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and spouse;
 - B. One of the following:
 - (1) A certificate bearing the approval of the Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or
 - (2) A surety bond with the City which will insure the City that the improvements will be completed by the subdivider or property owner within two (2) years after the official acceptance of the plat. The form and type of bond shall be approved by the City Attorney, and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus ten percent (10%) and the amount of the estimate must be approved by the Council. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same, or

(3) A petition by the developer to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable costs of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations.

If option (2) or option (3) above is chosen, the final plat shall state that the developer, the grantees, assignees and successors in interest agree that public services including but not limited to street maintenance, snow and ice removal, rubbish, refuse and garbage collection will not be extended to this subdivision until the pavement is completed and accepted by the City.

C. Copy of all restrictive covenants to be attached to the lots of the subdivision.

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

A. A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.12 of the Code of Iowa.

B. If the land platted is encumbered in the manner set out in Section 354.11 of the Code of Iowa, there shall also be filed a certificate showing that an encumbrance bond in an amount double the amount of the encumbrance and approved by the Recorder and Clerk of the District Court and which runs to the county for the benefit of the purchasers of the land subdivided has been filed with the Recorder.

C. 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.

166.13 STREETS AND ALLEYS. Design standards for streets and alleys are the following:

1. General Requirements.
 - A. The streets and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - B. Street jogs of less than 150 feet shall be avoided.
 - C. Cul-de-sacs shall not exceed 500 feet in length except where it is not feasible to serve the tract by a secondary access. The cul-de-sac shall have a surface diameter of not less than 80 feet and a right-of-way diameter of not less than 100 feet.
 - D. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
 - E. No dead-end streets or alleys will be permitted except at subdivision boundaries.
 - F. Thoroughfare and collector streets in a subdivision shall extend through the boundaries thereof.
 - G. Intersection of road centerlines shall be between 80 degrees and 100 degrees.
 - H. Intersection of more than two streets at a point shall not be permitted.
 - I. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design of such parkways or streets.
 - J. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street.
2. Minimum rights-of-way shall be provided as follows:
 - A. Thoroughfares100 feet;
 - B. Collector streets60 feet;
 - C. Residential streets60 feet;
 - D. Cul-de-sacs110 feet in diameter;
 - E. Alleys20 feet.

3. Minimum width of surfacing to be provided shall be as follows:
 - A. Thoroughfare streets 49 feet;
 - B. Collector streets 31 feet;
 - C. Residential streets 27 feet;
 - D. Minor residential streets..... 25 feet;
 - E. Cul-de-sacs 80 feet in diameter;
 - E. Alleys 12 feet.

166.14 LOTS. Corner lots shall not be less than eighty (80) feet in width and interior lots shall not be less than seventy (70) feet in width at the building line.

166.15 IMPROVEMENTS REQUIRED.

1. Sanitary Sewers. The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with a sanitary sewer outlet approved by the Council. The subdivider shall obtain and furnish to the Council a copy of the Department of Natural Resources construction permit. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property. Where sewers in excess of eight (8) inches are required, the additional cost shall be paid by the City. Where sanitary sewers are not available, the subdivider shall provide a means of disposal of sanitary wastes that meets with the approval of the Council and the State Board of Health.
2. Storm Drains. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
3. Water. The subdivider shall provide the subdivision with a complete water main supply system which shall be extended into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to the City water system. The subdivider shall obtain and furnish to the Council a copy of the Iowa Department of Natural Resources construction permit. Hydrants and gate valves shall be provided by the City. Where water mains in excess of six (6) inches are required, the additional cost shall be paid by the City.

4. Markers. An iron rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches in length, with surveyor's cap, shall be set in concrete three (3) feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at lot corners and changes in direction of block and lot boundaries.

5. Grading. All streets and alleys within the platted area which are being dedicated for public use shall be brought to the grade approved by the Council.

6. Surfacing. All streets being dedicated for public use shall be surfaced. Surfacing shall be reinforced Portland cement concrete pavement with integral curb and gutter and shall be constructed in accordance with designs and specifications and at grades approved by the Council. Where a surface width in excess of thirty-one (31) feet from back of curb to back of curb is required, the cost of the additional surface width which shall be assumed to be the center portion of the roadway surface, shall be paid by the City.

166.16 SPECIFICATIONS. The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the City for like work. Plans and specifications shall be submitted to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

166.17 INSPECTION. The Council shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider, and shall be the actual cost of the inspection to the City.