

CHAPTER 175

SUBDIVISION REGULATIONS

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175.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Building line” means a line on a plat between which line and the nearest street or alley no building or structure may be erected or placed.
2. “Lot” means a portion of a subdivision individually numbered or designated on the plat for facility of description, conveyance, and taxation.
3. “Major street” means any thoroughfare, boulevard, parkway, or highway designated by the Council to be used by persons and vehicles for through traffic in, by, or through the City.
4. “Minor street” means any street which has not been designated by the Council as a major street.
5. “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.
6. “Street width” means that horizontal distance between property lines.
7. “Subdivision” means: (a) the division of any tract of land into three or more lots, which division may or may not establish streets and alleys; or (b) the redivision of land heretofore platted into lots; provided, however, the sale or exchange of small parcels of land to or between adjoining property owners is not considered as a subdivision.

175.02 PRELIMINARY PLAT; INFORMATION REQUIRED. In seeking to subdivide land into lots and/or to dedicate streets, alleys, or other land for public use, the owner shall submit four (4) copies of a preliminary plat to the City Planning and Zoning Commission (the “Commission”). The preliminary plat, plainly marked “preliminary plat,” shall be drawn to a scale of not less than one inch to one hundred feet (1” = 100’) and shall show:

1. The legal description of the property to be platted;
2. Contours with intervals of not more than two (2) feet;
3. The location of such surface features as property lines, buildings, railroads, utilities, tree masses, watercourses, and other existing features affecting the development; the location and size of such subsurface features as existing or nearest available public sanitary and storm sewers, water mains, gas mains, culverts, and drain pipes; the location and size of the nearest water main, gas main, and public sewers are to be indicated in a general way on the plat.
4. The location and width of proposed and existing streets, alleys, and lots included in the development. The names of the proposed streets and the type of proposed surfacing. The plat shall also show how the streets and alleys in the proposed developments shall connect with existing and proposed streets and alleys in adjacent subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring areas.

5. The name and location of adjoining subdivisions.
6. The proposed location of building lines and easements, if any.
7. The title under which the proposed subdivision is to be recorded, with the name and address of the owner.
8. The scale, date, north point, and name of surveyor or engineer.
9. The above requirements for the preliminary plat shall conform to the minimum standards of design and development set forth in Section 175.07 of this chapter.
10. Any restrictions proposed to be included in the owner's declaration of plat shall accompany the preliminary plat. When the property proposed to be platted is in the corporate limits of the City, neither the Commission nor the Council shall require any building restrictions to be included in a plat that are more restrictive than the provisions of the Zoning Ordinance of the City, except for the building lines provided in Section 175.05 of this chapter.
11. When the plat or subdivision proposed for immediate development is a part of an overall development of a larger area and in which streets and other improvements are indicated, such future plat development shall appear on all plat drawings in dotted lines; the smaller area to be developed immediately as a plat shall be bounded by a heavy line. When any such extended future development shall have been accepted by the Council, such plan may be changed or altered only on the consent of the Council.
12. Any plat not containing all the information specified above shall not be approved by the Commission.

175.03 PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT.

1. The Commission shall refer two (2) copies of the preliminary plat to the Clerk, who shall carefully examine the plat as to its compliance with the laws and ordinances of the City, the existing street system, the major street plan, and good engineering practices and shall submit findings in duplicate to the Commission, together with one copy of the plat received.
2. When the Clerk's report is received by the Commission, it shall then set forth its recommendations in writing, whether of approval, modification, or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The Commission shall forthwith submit the three (3) copies of the preliminary plat to the Council, together with a signed copy of its recommendations.
3. The Council shall then take action upon the preliminary plat, certifying its approval or disapproval. In case of disapproval, it shall give its reasons therefor. Any requirements for improvements or alterations in the preliminary plat of the Council shall be given to the person who prepared the plat, in writing. One certified copy shall be filed with the Clerk, one with the Commission, and the third shall be returned to the owner or subdivider. The approval of the preliminary plat by the Council does not constitute acceptance of the subdivision but constitutes approval of all proposals and plans submitted with the preliminary plat.

175.04 CONSTRUCTION PLANS.

1. When the preliminary plat of a subdivision has been approved by the Council, the owner shall thereupon prepare detailed construction plans for the improvement and the arrangement for the improvements in accordance with the standards set forth by the Clerk's office.

2. Three (3) sets of such detailed construction plans, together with an outline of the order in which the proposed improvements are to be constructed, are to be submitted to the Clerk for consideration.

3. The Clerk shall then submit the detailed construction plans, together with recommendations to the Council for their approval. Construction of any type shall not be started within the development until construction plans are approved by the Council.

175.05 FINAL PLAT; INFORMATION REQUIRED.

1. Filing. The final plat shall be filed within twelve (12) months of the date of the approval of the preliminary plat and shall comply with the provisions of Section 175.07 of this chapter and shall conform to the preliminary plat as approved or modified by the Council.

2. Information Required. The final plat shall be made from an accurate survey, drawn to one hundred feet to the inch (100' = 1") or larger scale by a licensed surveyor and shall include the following information:

A. The boundaries of the property, the lines of all proposed streets and alleys, with the widths and names and the lines and dimensions of any other portions intended to be dedicated to the public use.

B. All lot lines and an identification system for all lots and blocks with figures showing their dimensions.

C. Building lines and easements for any rights-of-way provided for public use, services, or utilities, with figures showing their dimensions, unless the subdivider desires to describe the easements for public use, services, or utilities in the owner's declaration of plat.

D. All dimensions, both linear and angular, necessary for locating lots, tracts or parcels of ground, streets, alleys and easements, and the boundaries of the subdivision; the linear dimensions are to be expressed in feet and decimals of a foot.

E. Radii, arc and chords, points of tangency, central angles, and curve data for all curvilinear streets, and radii for all rounded corners.

F. The description, location, and elevation of all benchmarks.

G. The description and location of all permanent monuments set in the subdivision.

H. The name of the subdivision, location and extent of property subdivided, points of the compass, scale of the plat, date and name of the engineer platting the tract.

I. Certification under seal by a land surveyor, licensed under the laws of the State, to the effect that the plat represents a survey made by said surveyor, and that all necessary survey monuments are correctly shown thereon.

J. Where private restrictions appear on a separate instrument, reference to such instrument shall be made on the plat.

3. Attachments. The final plat shall have the following attached to it:

A. An accurate description of the subdivision land.

B. 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 acknowledgments.

- C. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner and that the land is free from encumbrances other than those secured by an encumbrance bond as provided in Section 354.12 of the *Code of Iowa*.
- D. A certificate from the County Treasurer that the subdivision land is free from certified taxes and certified special assessments.
- E. A certificate of dedication of streets and other public property.
- F. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- G. Resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

175.06 PROCEDURE FOR APPROVAL OF FINAL PLAT. Four (4) copies of the final plat of a subdivision shall be submitted to the Commission. The final plat shall be accompanied by a certificate from the Clerk that the same is substantially in accord with the preliminary plat as approved by the Council. When the final plat has been passed upon by the Commission, all four (4) copies shall forthwith be transmitted to the Council, together with a certificate showing the action of the Commission. When the final plat has been approved by the Council, three (3) copies shall be certified, and one copy shall be delivered to the Commission, one copy delivered to the Clerk, and one copy delivered to the subdivider for filing with the County Recorder. If such plat is disapproved by the Council, such disapproval shall point out in writing wherein the plat is objectionable.

175.07 MINIMUM DESIGN STANDARDS.

1. Acreage Subdivisions. Where a parcel of land is subdivided into a larger tract than ordinarily used for buildings lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets. Easements providing for the future openings and extension of such streets may, at the discretion of the Council, be made a requirement of the plat.
2. Relation to Adjoining Street System. New subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements.
3. Street and Alley Widths.
 - A. Except as hereinafter provided, the street shall be of a width as great as that of the streets of which they are a continuation or projection, with a minimum width of 60 feet. However, the Council may in certain cases, because of topography or general welfare and safety, or for special reasons, require a street of greater or lesser width.
 - B. When a major street or primary roadway is included in any plat being developed and offered for approval, the overall width of the surfaced or paved roadway from back to back of curbs shall be a minimum of 31 feet or more; unless such street is the continuation of another street of greater width, in which case the surfaced roadway shall be carried on at the width deemed reasonable and proper. Street surfacing of all abutting streets and widths thereof shall be shown on the preliminary plat when submitted for approval.
 - C. When a minor street serves a dead end, a limited access area or other projected low traffic count area, the street may, with the recommendation of the Commission, have

an overall width of the surfaced or paved roadway from back to back of curbs of 29 feet. In a subdivision where the lots exceed one acre in size, the street may be 25 feet curb to curb with no parking on the right-of-way.

D. If a street is designed to have one end permanently closed (cul-de-sac), the right-of-way shall be not less than 50 feet in width and shall be of such width at the closed end as will permit a turning radius of not less than 50 feet.

E. The minimum width of alleys shall be 16 feet.

F. Where alleys are not provided in the plat, easements of not less than eight (8) feet in width may be required on each side of all rear and side lot lines where necessary for poles, wires, conduits, sewers, gas, water, and heat mains.

4. Blocks. Where it is desired to subdivide a parcel of land which, because of its size and location, does not permit a normal street arrangement, there may be established a "place." Such "place" may be in the form of a court, a non-connecting street, or other arrangement; provided, however, proper and easy access arrangement shall be provided for all lots from a dedicated street or court.

5. Street Names. Streets that are obviously in alignment with others already existing and named shall bear the name of existing streets, otherwise names shall not duplicate existing street names and names similar to existing street names shall not be permitted.

6. Building Lines. Building lines shall be shown on all lots whenever the depth of such building lines is greater than those required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Council may require building lines in accordance with the needs of such subdivision. Provisions shall be made by owner's declaration of plat, requiring all enclosed parts of a building to be set back to such building lines.

7. Easements along Streams and Watercourses. Whenever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provisions for the proper drainage of surface water, and the Council, at its discretion, may require the dedication to the City of an easement along such stream or watercourse.

8. Improvements. Before the final plat of any subdivision shall be approved and recorded, the subdivider shall make and install the improvements described in this subsection. In lieu of final completion of the said minimum improvements, before the final plat is approved, the subdivider may enter into a contract with the City to ensure the completion of the improvements within a specified time. The performance of said contract may be secured by the filing of a bond to be approved by the Council.

A. Street Grading.

(1) All streets shall be filled or excavated to the grade approved by the Council after receiving the recommendation of the Street Department Superintendent, and the actual construction shall be subject to the supervision of the Street Superintendent.

(2) Streets shall be so arranged that grades shall, so far as practicable, not exceed six percent (6%) for major streets and ten percent (10%) for minor streets, and no grade shall be less than one-half of one percent.

(3) All alleys included in any plat or subdivision shall be brought to the grade approved by the Council; and when utilities are installed, they shall be

installed therein or at the rear of platted lots if equally feasible with other methods of installation.

B. Sewers. Where a public sanitary sewer is contiguous to said subdivision, the subdivider shall connect or provide for the connection with said sewer accessible to each lot. Where any part of said subdivision is within 450 feet from the nearest point of a usable public sewer installation, the Council may require the subdivision to connect or provide for the connection with such sewer system to make such sewer accessible to each lot in the subdivision. When sanitary sewers are installed in the subdivision in the street, they shall be stubbed in from the main sewer to the property line. The subdivider shall, upon completion of the sanitary sewer system, file in the office of the Clerk a plat of said subdivision marked with the location of said stubs or of any Y's placed in the main sewer.

C. Inaccessible Sewers. Where public water supply is available to the proposed subdivision but sanitary sewer is inaccessible, lots shall not be less than 7,500 square feet in area. Where neither public water supply nor sanitary sewer is accessible to the subdivision, lots shall not be less than 15,000 square feet in area. The above area requirements may be lowered upon recommendation of the City health officer providing results from percolation tests indicate that a lesser area will be required for tank installation. The owner shall furnish to the Commission a report from the health officer that the soil conditions of the subdivision are suitable for the installation and maintenance of septic tanks and the proposed lot area is sufficient for its operation.

D. Other Improvements. The Council may also require certain street improvements including the installation of sidewalks, water mains, curb and gutter, and street surfacing or paving on any or all streets, in accordance with the specifications approved by the Council and under the supervision of the Street Superintendent. When sewer and water are to be installed in a plat, all street improvements shall be installed not later than two (2) years following the date of approval of the final plat. A performance bond running for not more than two (2) years shall be given a contract entered into by the subdivider for the completion of the improvements.

175.08 PLATS SITUATED OUTSIDE CORPORATE LIMITS.

1. All plats of property situated outside the corporate limits of the City which require action by the Commission and Council shall comply with all the foregoing regulations.
2. Any lot described as or intended for use as a residential lot and which is intended to be served either temporarily or permanently by a septic tank sewage disposal system shall not be less than the area set forth in Section 175.07(8)(C) of this chapter.

175.09 AMENDMENT OR REVISION. Any regulations or provisions of this chapter may be changed and amended from time to time by the Council; provided, however, such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.