

ARTICLE XX Subdivision Regulations

Article 20: Changes and Amendments

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Section 20.1. JURISDICTION.

This Article is adopted by the city for governing the subdivision of all lands within the corporate limits of the city and within two (2) miles adjacent to said corporate limits, and is adopted in accordance with the provisions of Chapter 373 and 354 of the Code of Iowa.

Section 20.2. DEFINITIONS.

For the purpose of this Article, the following terms and words are defined:

1. “*Commission*” means the city’s Planning and Zoning Commission.
2. “*Conservation Subdivision Design*” refers to a subdivision design that offers the full development potential of a parcel while minimizing environmental impacts and protecting desirable open spaces. The developed portion of the parcel is concentrated on those areas most suitable for development, such as upland areas or areas with well-drained soil. The undeveloped portion of a conservation subdivision can include such ecologically or culturally-rich areas as wetlands, forest land, agricultural land/buildings, historical or archeological resources, riparian zones (vegetated waterway buffers), wildlife habitat, and scenic view sheds. The open space of the conservation subdivisions are typically designed to provide a “treatment train” for storm water management, which providing other recreations and environmental amenities.
3. “*Engineer*” means a person or firm, qualified by registration under Chapter 542B of the Code of Iowa, as amended, designated by the council to act for the city in engineering matters.
4. “*Lot*” means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
5. “*Major Street*” means a roadway intended to carry the highest volume of vehicular traffic at intermediate speeds of thirty-five (5) to fifty (50) miles per hour.

6. “*Metes and Bounds*” means the method used to describe a tract of land so that it can be recorded in the County Recorder's office, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot and block number.
7. “*Minor Street*” means a roadway used primarily for access to abutting property.
8. “*Plat*” means a map, drawing or chart on which a subdivider’s plan of the subdivision is presented and which the subdivider submits for the approval of the Council, and intends in final form to record.
9. “*Street Width*” means that horizontal distance between property lines.
10. “*Subdivision*” means land defined as (i) the division of any tract or parcel of land into two (2) or more lots, sites or parcels; (ii) establishment or dedication of a road, highway, street or alley through a tract of land; (iii) resubdivision of land into two (2) or more lots heretofore divided or platted into lots, sites or parcels, provided, however, that the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, is not considered as a subdivision of land.

Section 20.3. PRELIMINARY APPROVAL BY COMMISSION.

Any proposal for subdivision of a property shall use conservation subdivision design concepts. Whenever the owner of any tract or parcel of land within the corporate limits wishes to make a subdivision of the same, said owner shall cause to be prepared a preliminary plat of said subdivision and shall submit four (4) copies of said preliminary plat, which shall contain the data and information outlined in Section 20.7 of this Article and other information, to the commission for its preliminary approval to determine if it conforms with the minimum standards and requirements as outlined in this Article. The commission shall approve or reject such plat within thirty (30) days after the date of submission thereof to the commission. The commission shall submit its recommendations to the City Council for its action by resolution. The approval of the preliminary plat by the council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat. In all cases, the developer must be in compliance with all provisions of the zoning ordinance.

Section 20.4. AREA PLAN MAY BE REQUIRED.

Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit in relation to the city as a whole, the commission may cause to be prepared a possible plan of the entire area, such plan to be used by the commission and the City Council as an aid in judging the proposed plat.

Section 20.5. FINAL PLAT REVIEW BY COMMISSION.

The subdivider shall also submit to the commission for its approval or rejection four (4) copies of the final plat of the subdivision which shall contain the data and information outlined in this ordinance. If the commission approves the final plat, such approval and the date thereof shall be noted on the plat over the signature of the chairperson of the commission.

Section 20.6. APPROVAL OF THE COUNCIL.

After approval of the final plat of the subdivision by the commission, the recommendation of approval and the final plat shall be submitted to the City Council by the chairperson of the Planning and Zoning Commission for final approval and for acceptance of all streets, alleys, ways, easements, parks or other areas preserved for or dedicated to the public. If the commission does not approve the final plat of the subdivision, the council may approve said plat and accept the public areas and easements thereon only by a three-fourths (3/4) vote of the membership of the City Council.

Section 20.7. PRELIMINARY PLAT REQUIREMENTS.

In seeking to subdivide land, the owner shall submit four (4) copies of a preliminary plat to the commission before the submission of the final plat. The preliminary plat shall be drawn to scale and shall show the proposed location and width of streets, lot lines, and dimensions of each proposed lot. The plat shall also show surrounding streets and alleys (if any), existing adjacent storm sewers or courses of surface water drainage, sanitary sewers and water mains. The plat shall also show a proposed surface water drainage plan with curve numbers before and after construction, proposed sanitary sewer extensions, proposed water main extensions and location of proposed fire hydrants. The plat shall also show proposed street pavement elevations at intersections and junction of street centerlines. The scale of such preliminary plat shall be not less than one inch to one hundred feet (1" = 100'). The developer shall provide a topographic map of the property showing:

- Soil maps
- Contour intervals of not more than two (2) feet or as the commission may require. All elevations shall be referenced to city datum.
- Vegetative plans before and after development.
- Grading boundaries.
- Percolation rates.
- Water table elevations.
- Use of detention basins.
- Description of sediment containment system used during construction.

Any plat not containing all information specified above shall not be considered by the Commission.

Section 20.8. FINAL PLAT REQUIREMENTS.

The final plat on tracing cloth and three (3) prints thereof shall be submitted to the Commission. It shall show:

1. Erosion control methods used with reference to percent of imperviousness before and after construction.
2. Control systems in place to deter larger volume run-off and pollution delivered from water quality volumes (WQv) from 1.5" rain event. Mitigation of excessive run-off using low impact development techniques such as rain gardens, bio-retention cells, bio-swales, and other methods approved by SUDAS must be described.
3. The boundaries of the property.

4. The lines of all proposed streets and alleyways, with their widths and names and any other areas intended to be dedicated to public use. (The names of the streets shall be a continuation of the existing method of naming streets in the city.)
5. The lines of adjoining streets and alleys, with their widths and names.
6. All lot lines and easements, with figures showing their dimensions, and all block corners as monumented. [Monuments for marking block corners shall be made of concrete and shall be a minimum size of four inches by four inches by three feet (4" x 4" x 3')]. Their tops shall be marked with a steel rod to mark the exact location of the block corner.
7. All dimensions, linear and angular, necessary for locating boundaries of the subdivided area or of the lots, streets, alleys, easements and any other similar public or private use. The linear dimensions shall be expressed in feet and decimals of a foot.
8. Radii or arcs, chords, points of tangency, central angles for all circumlunar streets, and radii for all rounded corners.
9. All monuments placed together with their descriptions. (All block corners shall be monumented before the final plat is filed.)
10. Title and description of property subdivided showing its location and extent, point of compass, scale of plat, name of subdivider and certificate of licensed land surveyor.

Section 20.9. ADDITIONAL DOCUMENTS REQUIRED.

The subdivider shall also file with the final plat, for submission to the commission, all the acknowledgments, certificates and opinions as required by law, as well as statements of all private restrictions. The following shall be specifically included:

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. If the site will have more than one acre of land disturbed, a National Pollution Discharge Elimination System (NPDES) permit from the Iowa DNR is required. Part of this permitting process requires that a Storm Water Pollution Prevention Plan (SWPPP) is developed, implemented and maintained. This plan addresses erosion and sediment control during construction and after construction.
3. 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 354.11, Code of Iowa.
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, Code of Iowa.
5. A resolution and approval by the City Council and for signatures of the Mayor and City Clerk.

Section 20.10. GENERAL REQUIREMENTS.

The following general requirements shall be followed by all subdividers:

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 a new subdivision shall make provision for the continuation of the principal existing streets in adjoining addition (or their proper projections where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall be not less than the minimum street width established herein. The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated half-street or alley adjacent to the tract to be subdivided, the other half of the street shall be dedicated. All lots in a new subdivision must abut onto a public street by at least fifty (50) feet. An exception may be the use of a low impact development strategy that may cluster the lots in a different format to allow a greater use of low impact development strategies.
3. Street Width. The widths for major streets shall be not less than sixty-six (66) feet. The minimum width for a minor street shall be fifty (50) feet.
4. Alleys. The minimum width of an alley in a residential block shall be sixteen (16) feet. Alleys will be required in the rear of all business lots and shall be at least twenty (20) feet wide.
5. Easements Where There Are No Alleys. Where alleys are not provided, easements of not less than seven and one-half (7-1/2) feet in width shall be provided on each side of all rear lot lines, and five (5) feet on the side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas lines, water mains, and all such utilities shall be placed in this area wherever practical. Easements of greater width may be required along lines and across lots where necessary for the extension of main sewers and similar utilities. All easements shall be kept clear of all buildings, permanent plantings and other obstructions.
6. Length of Blocks. No block shall be longer than nine hundred (900) feet between street lines, except when special conditions make a longer block more desirable.
7. Width of Blocks. The width of blocks shall not be more than three hundred (300) feet, except that when such requirements would entail unusual and substantial difficulties or hardships, or when it is desired to provide a development containing large residential lots, the commission and the council may modify such requirements and allow the subdivider to plat blocks of other widths.
8. Terminal Streets. Terminal residential or commercial streets or cul-de-sacs may be established where necessary to afford access to all lots. No terminal street may be platted longer than five hundred (500) feet and all such terminal streets shall terminate in a circular open space having a minimum paved radius of fifty (50) feet and a minimum right-of-way radius of sixty (60) feet. Use of a hammer head (“T”) turn around and loop lane options with

the use of bio-retention cells in the cul-de-sac areas are encouraged to provide on-site storm water management and snow storage.

9. Lot Lines. All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation of this rule will give a better street and lot plan. Lots with double frontage shall be avoided.
10. Size and Shape of Lots. The minimum dimensions for rectangular lots shall be fifty (50) feet in width. The minimum dimensions for cul-de-sac or curved lots shall be sixty (60) feet in width at the building line, and in no case shall a lot that is to be used for residential purposes contain less than is required by the lot area regulation of the zoning district in which the property is located.
11. Corner Lots. All corner lots shall have extra widths sufficient to permit the maintenance of building lines on both the front and side streets as required by any applicable zoning provisions.
12. Easements Along Streams. Wherever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall make adequate provisions for re-meandering the channel so that it will properly carry surface water and shall provide and dedicate to the city an easement along each side of the stream, which shall be for the purpose of protecting the stream. The width of such easement shall not be less than a ratio of 3:1 side slope depth to easement depth on each bank of the stream, and the total width of the easement shall be adequate to provide for any necessary channel relocations. This buffer easement shall be established as common area which becomes part of the open space requirement and thus receives uniform management to facilitate a comprehensive storm water management plan.

Section 20.11. IMPROVEMENTS.

Before any portion of the final plat of any subdivision is finally approved for recording, the subdivider shall make and install improvements in the appropriate sections in that portion of the plat which is to be finally recorded. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may post a surety bond, or a letter of credit from a recognized banking institution, approved by the council, which bond or letter of credit will insure to the city that the improvements will be completed by the subdivider by a date set by the council. The amount of the bond shall be not less than the estimated cost of the improvements, and the amount of 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. The following improvements are required:

1. Grading and Improvement of Streets. The subdivision shall grade and improve all streets and alleys within the proposed subdivision. The surfacing on streets shall consist of pavement, not less than twenty-four (24) feet wide on major street and not less than twenty (20) feet wide on minor streets. Where possible, permeable pavement alternatives shall be used which allow direct filtration of run-off. Suggested available products are referenced in the SUDAS manual (www.iowasudas.org). If pavement is used, it may be constructed of either machine-laid asphaltic concrete or portland cement concrete. If asphaltic concrete, the pavement shall consist of not less than six (6) inches of soil aggregate sub-base; plus not less than two (2) inches of treated aggregate base containing not less than four and one-half percent (4-1/2%)

asphalt, by weight; and not less than two (2) inches of asphaltic concrete surface course containing not less than six percent (6%) asphalt by weight. If portland cement concrete, the pavement shall be not less than six (6) inches thick. All pavement shall be designed and constructed in compliance with the Iowa Department of Transportation Statewide Urban Design and Specification manual (SUDAS) latest revision. Plans for pavement construction shall be subject to approval of the city's engineer, and construction procedures shall be subject to the engineer's inspection and approval.

2. Grading Lots. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each of the lots to be offered for sale will be usable and suitable for the erection of residential or other structures thereon.
3. Sewers. If outlets are within reasonable distance, the subdivider shall install sanitary and storm sewer systems. A lateral connection for the sanitary sewer shall be extended to each lot line. Such installation shall be in accordance with the standards and specifications of the city, who shall furnish inspection to assure conformance. If no outlets are within reasonable distance, the subdivider shall make such provisions for sanitation as will satisfy the city health officials. Before the plat is approved, the subdivider shall present to the commission an order from the city health officials showing that the provisions will properly care for and protect the health, safety and welfare of the existing and probable future population within the subdivision and surrounding area. If no outlets are available for storm water collection, the subdivision shall provide a plan for storm water management as referenced in Section 11.9 of this zoning ordinance.
4. Water Mains and Fire Hydrants. The subdivider shall install water mains, fire hydrants and appurtenances. A lateral connection from the water main shall be extended to each lot line. Such installments shall be in accordance with the standards and specifications of the water department of the city, which will furnish inspection to assure conformance. The locations of fire hydrants shall be approved by the city water department.
5. Inspection During Installation of Improvements. Periodic inspection during the installation and construction of improvements will be made by a duly authorized city official in order to insure conformity with the approved plans and specifications. The subdivider shall notify the proper administrative officer when each phase of the installation is completed and ready for inspection.

Section 20.12. FILING OF PLAT.

No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.

Section 20.13. PUBLIC IMPROVEMENTS.

The City 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 unless such subdivision or street has been approved in accordance with the provisions contained herein.

Section 20.14. PENALTIES FOR VIOLATIONS.

Violation of the provisions of this Article or failure to comply with any of its requirements constitutes a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and may be the subject of repeated prosecutions if so continued. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 20.15. PROCEEDINGS TO PREVENT VIOLATIONS.

In case of any violation or attempted violation of the provisions of this Article, the City Council, in addition to other remedies, may institute any appropriate action or proceeding to prevent such violation or attempted violation or to prevent any act that would constitute such violation.

Section 20.16. VARIATIONS.

Whenever the tract 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 foregoing sections would result in real difficulties and substantial hardship, the commission may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner, but at the same time the public welfare and interests of the city are protected and the general intent and spirit of this Article are preserved.