

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 and to foster conformance with official City plans.

166.02 POLICY. It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City to provide for the orderly, efficient and economical development of the City. And further:

1. **Character of Land.** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
2. **Regulations to Supplement and Facilitate.** It is intended that these subdivision regulations supplement and facilitate the enforcement of provisions and standards, ordinances or regulations of the City.
3. **Review of Subdivision Plans.** It is the policy of the City to review all subdivision plans for accordance and compliance with general city plans and policy regarding growth and development.
4. **Intentions of City.** It is the policy of the City to facilitate or foster the development of housing and growth of the City tax base.

166.03 APPLICATION AND JURISDICTION. Every owner (or agent) of any tract or parcel of land lying within the corporate limits of the City who has subdivided or shall subdivide the property into three (3) or more parts for the purpose of laying out an addition, subdivision, building lot or lots, or acreage lots shall cause plats of such area to be made in the form and containing the information as set forth in this chapter before selling any lots contained in the subdivision or placing the plat on record. Pursuant to the authority granted by Section 354.9 of the Code of Iowa, the provisions of this section shall also apply to any of the following areas lying outside the corporate limits of the City:

1. In Allamakee County: The South Half of Section 19, the South Half of Section 20, the South Half of Section 21, the Southwest Quarter of the Southwest Quarter of Section 22, the West Half of Section 26, Section 27, Section 28, Section 29, Section 30, Section 31, Section 32, Section 33, Section 34, and the West Half of Section 35.
2. In Clayton County: The West Half of Section 2, Section 3, Section 4, Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, the Northwest Quarter of the Northwest Quarter of Section 11, the Northwest Quarter of the Northwest Quarter of Section 15, the North Half of Section 16, and the Northeast Quarter of the Northeast Quarter of Section 17.
3. In Fayette County: Section 1, and the Northeast Quarter of the Northeast Quarter of Section 12.
4. In Winneshiek County: The East Half of Section 25, and Section 36.

Any portion of the above described property lying more than two (2) miles from the boundaries of the City is exempt from these requirements.

166.04 INTERPRETATION. In their interpretation or application, the provision of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Specifically:

1. Relationship to Other Public Provisions. These regulations are not intended to interfere with or abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of this chapter or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. Relationship to Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

166.05 ACTION UNDER PRIOR PROVISIONS. This chapter does not abate any action now pending under or by virtue of prior existing subdivision regulations. Nor do they discontinue, abate, modify or alter any penalty accrued or about to accrue or affect the liability of any person or waive any right of the City under any section or provision existing at the time of the adoption of these regulations. Nor do they vacate or annul any rights obtained by any person, by lawful action of the City except as expressed in these regulations.

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

1. "Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. "Applicant" means the owner of land to be subdivided or a representative.
3. "Block" means a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or corporate boundaries.

4. "Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.
5. "Building" means any structure built for support, shelter or enclosure of person, animals, chattels or movable property of any kind and includes any structure.
6. "City Engineer" means the person designated by the Council to furnish engineering assistance for the administration of this chapter.
7. "Commission" means the Planning and Zoning Commission of the City.
8. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.
9. "Developer" means the owner of land proposed to be subdivided or a representative.
10. "Easement" means an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person's property.
11. "Frontage" means that portion of a lot abutting on a street or way and complying with the setback and front yard requirements as they may exist, but it shall not be considered as the side of a corner lot.
12. "Local Board of Health" means a County, City or District Board of Health.
13. "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.
14. "Municipal arterial streets" means streets which connect principal traffic generating areas or connect such areas with other street systems.
15. "Municipal collector streets" means those streets that collect traffic from municipal service streets and connect to other street systems.
16. "Municipal service streets" means those streets that primarily provide access to property.
17. "Owner" means any person having legal title to or sufficient proprietary interest in the land to be sought to be subdivided under this chapter.
18. "Plat" means a map, drawing or chart on which the developer's plan of the subdivision of land is presented and which the developer submits for approval and intends in final form to record.
19. "Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
20. "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. The usage of the term "right-of-way" for land platting purposes means that every right-

of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

21. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back of curbs.

22. "Street" means and includes any public way, highway, street, avenue, boulevard, parkway or other public thoroughfare, and each of such words includes every other of them, and includes the entire width between property lines.

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

24. "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, to any division of land.

25. "Surveyor" means a land surveyor licensed and registered under the provision of Chapter 542B of the Code of Iowa.

26. "Covenant" means a binding agreement made by two or more persons, and by which one or more of the parties pledges to do or not do particular acts.

166.07 PROCEDURE. In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements of Section 166.09 and install the required improvements or provide a performance bond.

166.08 PRESUBMISSION CONSULTATION. Prior to the submission of the preliminary plat of any subdivision, the subdivider is encouraged to meet with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the procedural steps, design standards, required improvements and platting requirements. During such meeting, no commitments shall be made which will be binding upon the City. Additional purposes or intentions for the presubmission consultation are:

1. For the developer and the City to come to a preliminary, mutual agreement on the economic feasibility of the proposed development.

2. In exchange for the City doing engineering and construction of public works infrastructure, the developer must agree to the placement of assessments against the property. The property assessment arrangement shall be made in the final plat approval process.

3. This consultation is intended to help the developer plan a subdivision based on realistic housing demands and of prudent size, which will produce the revenue necessary to pay the infrastructure assessments. The City's intentions are to avoid the extension of unneeded public infrastructure, and to avoid the unnecessary placement of public works assessments, if a sufficient amount of development does not occur.

4. A written record of this consultation shall be made, including copies of all material, maps and data that are used as a basis for proceeding with a preliminary plat.

166.09 REQUIREMENTS OF PRELIMINARY PLAT. Every proposed subdivision shall be submitted for tentative approval in the form of a preliminary plat prior to the submission of a final record plat. The purpose of the preliminary plat and accompanying material is to provide all facts needed for the Planning & Zoning Commission and Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interest. The following graphic and descriptive material is required to be provided on the preliminary plat and in the accompanying material:

1. Contents of Preliminary Plat. The preliminary plat shall be prepared by a registered land surveyor at a convenient scale of not more than one inch equals 100 feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The following information shall be shown on the preliminary plat:

A. Title, scale, north point and date.

B. Subdivision boundary lines, showing dimensions, bearings, angles and references to section, townships and range lines or corners. Exterior boundaries are to be indicated with a solid heavy line.

C. Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs and plating strips and location of street lights, fire hydrants and street signs.

D. Proposed layout of blocks and lots showing dimensions, radii, chords and the square foot areas of lots that are not rectangular and the lot and block number in numerical order.

E. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.

F. Present and proposed easements, showing locations, widths, purposes and limitations.

G. Location and names of adjoining parcels of unsubdivided and subdivided land.

H. Boundaries of the highest known flood of record affecting the subdivision and the source of information.

I. If the proposed subdivision borders on a lake or stream, the distances and bearings of meander line established not less than fifth (50) feet back from the mean high water mark of the lake or stream.

J. Existing blocks, lots and buildings.

K. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, cable TV, telephone lines, fiber optics, electric utilities and other facilities, with the size, capacity, invert elevation and location of each. If the subdivision is

within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.

M. Proposed name of the subdivision.

N. Names and addresses of the owner, subdivider, builder and surveyor who prepared the preliminary plat and the surveyor who will prepare the final plat.

O. Official legal description of the property being platted.

P. 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.

Q. Existing and proposed zoning of the proposed subdivision and adjoining property.

R. Location of all proposed monuments.

2. Information to be Provided in Accompanying Material. The following information shall accompany a plat.

A. A complete listing of all existing covenants which apply to the land to be subdivided and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.

B. A table of the following information:

(1) Total acreage of subdivision;

(2) Total number of lots;

(3) Minimum, average and maximum lot area;

(4) Acreage of public lands to be dedicated or reserved other than streets.

C. An attorney's opinion showing that the fee title to the property proposed for subdividing is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.

D. If any portion of the subdivision is to have access on a State or County jurisdictional street, a written and signed statement acknowledging and permitting the access by the duly authorized official of the appropriate jurisdiction.

E. Specifications and engineering construction drawings including profiles, cross-sections and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards, including a site grading plan for the entire subdivision.

F. If a preliminary plat shows only a part of a property or site, the balance of which would be developed later, then a map shall also be submitted which shows the general development concept for the entire property.

166.10 SUBMISSION OF PRELIMINARY PLAT. The subdivider shall prepare a preliminary plat in accordance with the provisions of Section 166.09 and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

1. Form and Fees. Be made on forms available from the Clerk together with a fee of twenty-five dollars (\$25.00) per lot.
2. Number of Plats. Be accompanied by a minimum of six (6) copies of the preliminary plat.
3. Time of Submission. Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Planning & Zoning Commission.

166.11 REFERRAL OF PRELIMINARY PLAT. The Clerk shall immediately refer two (2) copies of the preliminary plat to the City Engineer, two (2) copies to the P & Z Commission, and two (2) copies to the Public Works Director. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the preliminary plat to the County Board of Supervisors.

166.12 REVIEW OF PRELIMINARY PLAT. The preliminary plat shall be reviewed by the Planning and Zoning Commission to (a) determine its conformity with this chapter, (b) determine its conformity with all other ordinances and regulations in force affecting subdivisions, (c) determine its conformity with adopted City plans, and (d) determine its conformity specifically with the requirements of Section 166.13 through 166.27 of this chapter. Copies of the preliminary plat may be transmitted to other City or school officials, as the Planning & Zoning Commission deems necessary, for their recommendations concerning matters within their jurisdictions. Their recommendations, along with those of the City Engineer, shall be transmitted to the Planning & Zoning Commission within three (3) weeks after the date the plat is filed. The Planning & Zoning Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

166.13 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the requirements established herein, all subdividers shall comply with the following laws, rules and regulations:

1. State Statutes. All applicable statutes of the State of Iowa.
2. City Plans. Any comprehensive plan, public utilities plan and capital improvements program of the City.
3. State Agency Rules. The requirements and rules of State agencies such as the State Department of Natural Resources, State Department of Health and the State Department of Transportation, where applicable.
4. County Standards and Regulations. The standards and regulations of the County Board of Supervisors and County P & Z Commissions, Boards and agencies where applicable.
5. City Standards and Regulations. The standards and regulations adopted by the Council, boards, Planning & Zoning Commissions and agencies of the City.

6. Plat Approval and Conformity. Plat approval may be withheld if a subdivision is not in conformance with the above guides, or policy and purposes of these regulations.

166.14 SUBDIVISION NAME. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The Council, after consultation with the Planning & Zoning Commission, shall have the final authority to designate the name of the subdivision which shall be determined at preliminary plat approval.

166.15 MONUMENTATION. Monuments shall be in conformance with the following requirements:

1. Establishment of Permanent Control Monuments. Prior to the offering of the plat of any subdivision for record, the surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two (2) permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonable permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonable inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of the monument.

2. Other Monuments of Record. Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section.

3. Establishment and Recording of Other Monuments. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be establishment before the recording of the plat or the conveyancing of lands by reference to the plat if the surveyor includes in the certification of the plat that the additional monuments required by these regulations shall be establishment before a specified future date.

4. Additional Monuments Required. Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section, and shall be set at all of the following locations whether set prior to the recording of the plat or subsequent to such recording:

A. At every corner and angle point of every lot, block or parcel of land created.

B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad or other way.

C. At every point of curve, tangency, reversed curve or compounded curve on every right-of-way line established.

5. Placement of Monument. When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

166.16 CHARACTER OF THE LAND. Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonable be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision or its surrounding areas or both, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the Council, upon recommendation of the Planning & Zoning Commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

166.17 LOTS. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

1. Lot Size. Minimum lot dimensions and sizes shall conform to the requirements of the zoning regulations where applicable, but in no case shall a lot contain less than 6,500 square feet of area or be less than sixty (60) feet wide measured at the building line.

A. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Corner lots for residential use shall have an extra twenty (20) feet of width to permit appropriate building setback from and orientation to both streets.

2. Street Access. Each lot shall be provided with satisfactory access to a public street.

3. Double Frontage and Reverse Frontage Lots. 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 here shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

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

5. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

166.18 BLOCKS. Blocks shall conform to the following requirements:

1. Provision for Lots. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads or waterways.

2. Design Considerations. The lengths, widths and shapes of blocks shall be determined with due regard to:

A. Provision for adequate building sites.

B. Zoning requirements where applicable.

C. Topography.

D. Needs for convenient access, circulation, control and safety of street traffic.

3. Block Lengths. The lengths of blocks shall be appropriate to the type of development contemplated, but block lengths in residential developments shall not exceed one thousand three hundred twenty (1,320) feet, nor be less than three hundred (300) feet. Wherever feasible, blocks along arterial and collector streets shall not be less than six hundred (600) feet in length.

4. Easement Reservation. The Planning and Zoning Commission and the Council may require the reservation of easements through any block or at other necessary locations to accommodate utilities, drainage, pedestrian traffic, recreational trails, or other necessary public facilities. In blocks over eight hundred (800) feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities or pedestrian traffic.

5. Pedestrian Crosswalks. Pedestrian crosswalks, not less than ten (10) feet wide, may be required by the Council through the center of blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve percent (12%) in grade unless steps of an approved design are to be constructed.

166.19 STREETS; GENERAL REQUIREMENTS. Streets shall conform with the following general requirements:

1. Frontage on Improvement Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.

2. Grading and Improvement Plan. Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.

3. Topography and Arrangement. Streets shall be in conformance with the following requirements related to topography and arrangement:

A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of this chapter.

B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.

C. All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.

D. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout of the most advantageous future development of adjacent tracts.

F. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

4. Access to State or County Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.

5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:

A. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.

B. A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.

C. A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

6. Street Names. Streets that are in alignment with others already existing shall bear the names 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 and Planning & Zoning Commission. The City shall forward all proposed street names to the addressing official of the appropriate county 9-1-1 service boards for review so as to avoid duplication or confusion within the Postville emergency service zones.

7. Street Names Signs. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which are to be approved by the Council. The City shall install all street name signs.

8. **Street Lights.** Installation of street lights shall be required in accordance with design and specification standards approved by the Council.

9. **Construction of Streets and Dead-end Streets.** Streets and dead-end streets shall be in conformance with the following requirements:

A. **Construction of Streets.** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection and for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L shaped turnabout shall be provided on all temporary dead-end streets, with the notation of the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

B. **Permanent Dead-end Streets.** Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred fifty (150) feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of this chapter.

166.20 STREETS; DESIGN STANDARDS. The following design standards apply to the design of streets:

1. **General.** In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are required:

A. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on municipal arterial and municipal collector streets, and seventy-five (75) feet on municipal service streets.

B. 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 one hundred (100) feet for municipal service and municipal collector streets and of such greater radii as the Council shall determined for special cases.

C. **Minimum Roadway and Right-of-way Standards.**

(1) Municipal arterial streets shall have a right-of-way width of not less than eighty (80) feet and a roadway width of not less than forty-four (44) feet.

(2) Municipal collector streets shall have a right-of-way width of not less than sixty (60) feet and a roadway width of not less than thirty-six (36) feet.

- (3) Municipal service streets shall have a right-of-way width of not less than fifty (50) feet and a roadway width of not less than twenty-six (26) feet.
- (4) Frontage streets shall have a right-of-way width of not less than forty (40) feet and a roadway width of not less than twenty-six (26) feet.
- (5) Cul-de-sacs shall meet all the requirements for a municipal service street and, in addition, shall provide a turnaround with a right-of-way radius of fifty (50) feet and a roadway radius of forty (40) feet. No cul-de-sac shall exceed five hundred (500) feet in length.

D. Street grades, wherever feasible, shall not exceed the following:

- (1) Municipal arterial streets – six percent (6%);
- (2) Municipal collector streets – eight percent (8%);
- (3) Municipal service streets – ten percent (10%);
- (4) Frontage streets – six percent (6%).

E. All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty (20) times the algebraic difference in percentages of grade.

F. No street grade shall be less than one-half (1/2) of one percent.

2. **Street Surfacing.** Final specifications shall be prepared by and/or approved by the City Engineer. Installation of curb and gutter, and surfacing of the street shall be agreed upon by the City and the subdivider, and the actual work shall be completed pursuant to a schedule determined by the City.

3. **Excess Right-of-way.** Right-of-way widths in excess of the standards designated in this chapter shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one.

4. **Railroads and Limited Access Highways.** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

A. In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

B. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be

determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5. Intersections. The following standards shall apply to the design of intersections:
 - A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Council.
 - B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without medial breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.
 - C. Minimum curb radius at the intersection of two municipal service streets shall be at least twenty (20) feet; minimum curb radius at an intersection involving a municipal collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
 - D. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
 - F. The cross slopes on all streets, including intersections, shall be three percent (3%) or less.
6. Bridges. Bridges of primary benefit to the applicant, as determined by the Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant, as determined by the Council, will be fixed by special agreement between the Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of land developed and so served.
7. Alleys. The following design standards for alleys shall be required of all subdividers:
 - A. Alleys shall be prohibited in residential districts.
 - B. 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.

- C. Alleys shall have a right-of-way of not less than thirty (30) feet and a roadway width of not less than twenty (20) feet.
 - D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
 - E. 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.
8. **Street Dedications and Reservations.** The following provisions apply to street dedications and reservations:
- A. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries.
 - B. Where a subdivision borders an existing narrow street or when City plans or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at the subdivider's expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at the applicant's expense to the full width as required by this chapter. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

166.21 STORM SEWERS AND DRAINAGE. The following requirements apply to the provision of storm sewers and drainage.

1. **General.** The Planning & Zoning Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods as approved by the Council, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
2. **Nature of Storm Water Facilities.** The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction standards and specifications.

- A. Where a public storm sewer is accessible, the City may install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision may be made for disposal of storm waters, subject to the specifications of the City Engineer. However, for platted areas containing lots less than 15,000 square feet, and in commercial and industrial areas, the City Council, based on the advice of the City Engineer concerning potential storm water runoff quantities, may require that storm sewer with curb and gutter be constructed as needed according to the determination of the City Council. If such facilities are not constructed as a part of the final plat resolution, they may be constructed at any time by the City, with all or a portion of such cost being assessed to the benefiting property owners.
 - B. If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangements for future storm water disposal by a public storm sewer system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.
 - C. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by applicable zoning regulations.
 - D. The Council shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
 - E. The Council may, when it deems it necessary for the health, safety and welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.
3. Dedication of Drainage Easements. The following applies to the dedication of drainage easements.
- A. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B.Drainage Easements.

- (1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities with street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- (2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat
- (3) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Council.
- (4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the area requirement of any lot.

166.22 WATER FACILITIES. Water facilities shall be provided as follows:

1. General Requirements. The following general requirements apply to the provision of water facilities.
 - A. Where a public water main is accessible, the subdivider shall install adequate water facilities, including fire hydrants, subject to City specifications. All water mains shall be at least eight (8) inches in diameter.
 - B. Water main extensions shall be approved by the City.
 - C. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat.
2. Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the City.

166.23 SEWERAGE FACILITIES. Sewerage facilities shall be provided as follows:

1. General Requirements. The City shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the City and the State Department of Natural Resources or State Department of Health. Plans shall be approved by the above agencies.
2. Construction of Sanitary Sewerage Systems. Where a public sanitary sewerage system is reasonable accessible the City shall connect with the same and provide sewers accessible to each lot in the subdivision.

3. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

166.24 UTILITIES. The following requirements apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including, but not limited to gas, electric, power, telephone and CATV cables, be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

2. Easements. Easements shall be provided as follows:

A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least twenty (20) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided along side lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

166.25 PRESERVATION OF NATURAL FEATURES AND AMENITIES. Existing features which would add value to residential development or to the City as a whole, such as trees, watercourses and falls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision or any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

166.26 NONRESIDENTIAL SUBDIVISIONS. The following provisions apply to nonresidential subdivisions.

1. General. If a proposed subdivision includes land that is used for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Council may require. A nonresidential subdivision shall be subject to all the requirements of this chapter, as well as such additional standards required by the Council and shall conform to the proposed land use and standards established in City plans and regulations.

2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

C. Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.

D. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.

E. Every effort shall be made to protect adjacent residential areas from potential nuisance from proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

166.27 SCHOOL AND PARK RESERVATIONS. If land to be subdivided contains sites that are designated in City plans or plans of other public bodies to be used for schools or parks, the developer shall reserve such site for such use. If sites which have been reserved are not acquired by the City or other public body with five (5) years after the date of the preliminary plat approval, then such sites may be subdivided by the developer. The appropriate public body may release the reserved site sooner by certifying to the Council that it does not intend to acquire such site within the two-year period.

166.28 ACTION BY THE COMMISSION—PRELIMINARY PLAT. Within thirty (30) days after it receives the preliminary plat from the Clerk, the Planning and Zoning Commission shall review the preliminary plat as submitted and make its recommendations. The Chairman of the Commission shall promptly notify the City Clerk of the recommendation made by the Commission. If the Planning & Zoning Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time period, not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. **Reasons for Changes or Disapproval.** In the event that substantial changes or modifications are made by the Planning & Zoning Commission or the Planning & Zoning Commission recommends disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.

2. **Tentative Approval.** If the Planning & Zoning Commission recommends approval, it shall express its approval as "Tentative Approval" and state the conditions of such approval, if any.

3. **Documenting Approval.** The action of the Planning & Zoning Commission shall be documented on two (2) copies of the preliminary plat, referenced and attached to any conditions determined and shall be referred to the Council.

166.29 ACTION BY COUNCIL—PRELIMINARY PLAT. Within thirty (30) days after the Clerk receives the recommendation of the Planning and Zoning Commission regarding the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be returned to the Planning & Zoning Commission for further review and the Clerk shall notify the subdivider of such action. If approved, the Clerk shall sign two (2) copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. One copy shall be returned to the subdivider. The "Tentative Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with the preparation of the final plat.

166.30 EFFECTIVE PERIOD OF TENTATIVE APPROVAL. The tentative approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval must have been obtained. Any plat not receiving final approval within this period of time shall be void, and the subdivider shall be required to resubmit a new plat for tentative approval, subject to all new zoning restrictions and subdivision regulations. However, upon mutual agreement of the Council and the subdivider, the period during which final approval must be obtained may be extended for an additional period of one year.

166.31 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 this chapter.

166.32 REQUIREMENTS OF THE FINAL PLAT. The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

1. Contents of the Final Plat. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:

A. The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the County Recorder, Assessor and Auditor. The original plat drawing shall remain the property of the registered land surveyor.

B. The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen (18) inches by twenty-four (24) inches or less than eight and one-half (8 ½) inches by eleven (11) inches.

C. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indication where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.

D. A maximum scale of one hundred (100) feet to one inch shall be used. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.

E. Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.

F. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat as well as the scale and date.

G. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat the location of the additional monuments shall be shown on the plat.

H. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.

I. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

J. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.

K. Curve data shall be stated in terms of radius, central angle and tangent, or length of curve. In all cases, the curve data must be shown for the line affected.

L. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

M. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. In all cases, the true boundary shall be clearly indicated on the plat.

N. All interior excepted parcels shall be clearly indicated and labeled, "not a part of this plat."

O. All adjoining properties shall be identified and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

P. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable TV, fiber optics, water, sewer and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

Q. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.

- R. The purpose of all areas dedicated to the public must be clearly indicated on the plat.
 - S. Street names and clear designation of public alleys.
 - T. Block and lot numbers.
 - U. Name and address of owner and subdivider.
 - V. Accurate dimensions for any property to be dedicated or reserved for public use.
 - W. The plat shall be signed and acknowledged by the subdivision land owner and his or her spouse.
 - X. A sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
2. Information to be Provided in Accompanying Material. The following material shall be submitted with the final plat:
- A. A correct legal description of the subdivision land.
 - B. A certificate by the proprietors and spouses, if any, that the plat is prepared with their free consent and is 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.
 - C. 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 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.
 - D. 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.
 - E. 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.
 - F. A certificate from the Clerk of the District Court that the subdivision land is free from all judgments, attachments or mechanics' or other liens of record in that office.
 - G. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.

- H. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- I. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

166.33 SUBMISSION OF FINAL PLAT. The subdivider shall prepare a final plat in accordance with the provisions of Section 166.32 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of twenty-five dollars (\$25.00) per lot.
2. Number of Copies of Plat. Be accompanied by a minimum of six (6) copies of the final plat.
3. Offers of Dedication. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.
4. Time of Submission. Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Planning & Zoning Commission.

166.34 REFERRAL OF FINAL PLAT. The Clerk shall immediately refer two (2) copies of the final plat to the City Engineer, two (2) copies to the Planning & Zoning Commission, and two (2) copies to the Public Works Director. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the final plat to the County Board of Supervisors.

166.35 ACTION BY COMMISSION—FINAL PLAT. The Planning & Zoning Commission shall, upon receiving the final plat, as soon as possible, but not more than thirty (30) days thereafter, consider the final plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council together with a certified copy of its resolution showing the action of the Planning & Zoning Commission. If the Planning & Zoning recommends approval of the final plat, such approval and the date thereof shall be noted on the plat over the signature of both the Chairperson and Secretary of the Planning & Zoning Commission and the plat and two (2) copies shall be transmitted to the Council.

166.36 ACTION BY THE COUNCIL—FINAL PLAT. Upon receipt of the certification by the Planning & Zoning Commission, the Council shall, within thirty (30) days, either approve or disapprove the final plat.

1. Disapproval of Plat. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. Acceptance of Plat. In the event that said plat is found to be acceptable and in accordance with these regulations, the Council shall accept the same.
3. Final Approval and Recording of Plat. 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. A Council resolution approving the final plat shall specify the type, quantity and installation schedule of public works improvements to be constructed and paid for

by the City, with such cost to be assessed to the platted property according to the provisions of Section 166.08. One copy of the plat and resolution shall be given to the subdivider. The subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of the County where the land to be subdivided is located, 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.

166.37 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

1. Procedure for Resubdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules and regulations as for a subdivision.
2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Planning & Zoning Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirements of the plat.

166.38 COMPLETION OF IMPROVEMENTS. After final approval and recording of the final plat, the City shall take prompt steps, by mutual agreement with the subdivider, to provide for the construction of the public works improvements specified in the resolution of final plat approval. The City or its designee shall have full responsibility for planning, designing and engineering these improvements; for determining and preparing the construction specifications; for the purchase of materials; for hiring contractors and bonding them if necessary; and for inspecting all such work.

166.39 VARIATIONS AND EXCEPTIONS. The following provisions apply to the granting of variations or exceptions.

1. Hardships. Where the Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Council shall not grant variations or exceptions to these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:
 - A. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property.
 - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

D. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

2. Conditions. In granting variations and exceptions the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this chapter.

3. Procedure for a Variance. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

166.40 CHANGES AND AMENDMENTS. Any 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 as required by law. Such proposed amendments shall first be submitted to the Planning & Zoning Commission for study and recommendation before the hearing is held. The Planning & Zoning Commission shall forward its recommendations to the Council within thirty (30) days after which the Council shall give notice of and hold a public hearing on the proposed amendment.

166.41 ENFORCEMENT, VIOLATIONS AND PENALITES. No plat or subdivision within the City or within two (2) miles thereof shall be filed or recorded with the Council, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter, has been approved by the Council as set forth herein, and further:

1. Issuance of Building Permits. No more than two (2) building permits for each separate tract existing at the time of the effective date of these regulations shall be issued unless the tract has been platted in accordance with these regulations; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by applicable land use regulations such as zoning and restricted residence regulations or additions or improvements to a main or accessory building already legal located upon said tract.

2. Sale or Lease Without Plat. Any person who disposes of or offers for sale or lease any lots in the City or addition to the City, until the plat thereof has been acknowledged and recorded as provided in this chapter, shall forfeit and pay two hundred fifty dollars (\$250.00) for each lot and part of lot sold or disposed of, leased or offered for sale.

166.42 WAIVER OF REQUIREMENTS. The City Council shall have the authority to waive any requirements imposed by the provisions of this chapter where there is a development agreement complying with requirements of Chapter 403 of the Code of Iowa; and the City Council shall have the right to negotiate agreements to accomplish the orderly subdivision and development of real estate within the City limits.

166.43 MANUFACTURED/MOBILE HOME COMMUNITY ZONING. All new manufactured/mobile home communities and expansions of manufactured/mobile home communities are to be developed as Planned Development – Mobile Home Communities (PD – MH) as provided in Section 166.44 of this chapter and further subject to the development standards described in Chapter 167, Section 204: R-3, the Manufactured/Mobile Home Community Code.

166.44 PD - MH PLANNED DEVELOPMENT – MANUFACTURED MOBILE HOME COMMUNITY. A planned development in which the principal use will be residential occupancy of manufactured or mobile housing units, some or all of which do not meet the requirements of the Code of Ordinances. This PD – MH classification is intended to

accommodate manufactured/mobile home communities in those areas of the City where they will be compatible with existing and projected development. This zoning classification will generally be located in outlying areas of the City and must be served with adequate sewers, water, storm water facilities, streets, police and fire protection, and other necessary public facilities and services as more fully specified in Chapter 167, Section 204: R-3, Manufactured/Mobile Home Community Code. Notwithstanding Chapter 166, the preliminary and final development plans and plan of improvements required must comply with the standards for development of a manufactured/mobile home community established in Chapter 167, Section 204: R-3.