

CHAPTER 165

SUBDIVISION REGULATIONS

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165.01 PURPOSE. The purpose of this chapter is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety, and general welfare of the citizens of the City.

165.02 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. 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. It is intended that these subdivision regulations shall supplement and facilitate the enforcement of provisions and standards, ordinances, or regulations of the City.

165.03 APPLICATION. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into three or more parts, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage or suburban lots within the City or within two miles from the corporate limits of the City, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots herein contained or placing the plat on record.

165.04 INTERPRETATION. In their interpretation or application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Specifically:

1. These regulations are not intended to interfere with or to 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 these regulations or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations 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.

165.05 ACTION UNDER PRIOR PROVISIONS. These regulations do 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 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.

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

165.07 TERMS DEFINED. For the purposes of this chapter, the following words are defined and interpreted as follows.

1. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
2. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
3. "Auditor's plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the Auditor.
4. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad right-of-way, rivers, tracts or public land, or the boundary of the subdivision.
5. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the Council.
6. "Comprehensive Plan" means the general plan for the development of the community, which may be titled master plan, comprehensive plan, or some other title, which plan has been adopted by the Council. The Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

7. “Conveyance” means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
8. “Cul-de-sac” means a street having one end connecting to another street, and the other end terminated by a vehicular turnaround.
9. “Division” means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
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. “Government lot” means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
12. “Improvements” means changes to land necessary to prepare it for building sites, including (but not limited to) grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways, and other public works and appurtenances.
13. “Lot” means a tract of land represented and identified by number or letter designation on an official plat.
14. “Lot, corner” means a lot situated at the intersection of two streets.
15. “Lot, double frontage” means any lot that is not a corner lot and which abuts two streets.
16. “Official plat” means either an auditor’s plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.
17. “Owner” means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on the owner’s behalf.
18. “Parcel” means a part of a tract of land.
19. “Performance bond” means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.
20. “Plat” means a map, drawing, or chart on which a subdivider’s plan for the subdivision of land is presented, and which he or she submits for approval, and intends, in final form, to record.
21. “Proprietor” means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
22. “Resubdivision” means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.
23. “Street” means public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” may refer to the right-of-way

bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

24. “Street, arterial” means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

25. “Street, collector” means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

26. “Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.

27. “Subdivision” means the division of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.

28. “Subdivision plat” means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

29. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the *Code of Iowa*.

30. “Tract” means an aliquot part of a section, a lot within an official plat, or a government lot.

31. “Utilities” means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

165.08 IMPROVEMENT REQUIRED. The subdivider shall, at his or her expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City and the City Engineer, and as shown on the approved preliminary plat.

165.09 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this chapter by the City Engineer. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than 24 hours in advance of readiness for required inspections.

165.10 RELEASE OR REDUCTION OF PERFORMANCE BOND. The performance bond may not be released or reduced except as follows:

1. The Council will not accept dedication of required improvements, or release or reduce a performance bond, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant’s engineer has certified to the City through submission of detailed “as-built” plans of the subdivision indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.

2. A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat.

165.11 DESIGN STANDARDS ARE MINIMUM. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangements and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

165.12 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. All applicable statutes of the State of Iowa.
2. Any comprehensive plan, public utilities plan and capital improvements program of the City.
3. 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. The standards and regulations of the County Board of Supervisors and County commissions, boards and agencies, where applicable.
5. The standards and regulations adopted by the Council, boards, commissions and agencies of the City.
6. Plat approval may be withheld if a subdivision is not in conformance with the above guides or policy and purposes of these regulations.

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

1. The Council shall not approve 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 a surface water is not carried across or around any intersection, or for a distance of more than 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. 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 applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to

the specifications of the Council. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and conducted to an approved outfall.

B. If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangement for future storm water disposal by a public storm sewer disposal by a public storm sewer system at the time the plat receives final approval. Provision 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, or 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 drainage course.

3. The following shall apply 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. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least 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 natural watercourse or to other drainage facilities.

C. 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.

D. 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.

E. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in the areas for dedication, shall be persevered 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.

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

1. 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 specification. All water mains shall be at least six 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. The following requirements shall apply to the provision of individual wells and central water systems:
 - A. In the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the appropriate County or State agency for testing, and individual wells and central water systems shall be approved by the appropriate County or State health authorities. Orders of approval shall be submitted to the Council.
 - B. If the Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.
3. Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of this section. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structures and shall be approved by the City.

165.15 SEWAGE FACILITIES. Sewage facilities shall be provided as follows:

1. The applicant 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 State Department of Natural Resources or State Department of Health. Plans shall be approved by the above agencies.

2. Sanitary sewage systems shall be constructed as follows:
 - A. Where a public sanitary sewage system is reasonably accessible, the applicant shall connect with the same and provide sewers accessible to each lot in the subdivision.
 - B. Where public sanitary sewage systems are not reasonably accessible but will become available within a reasonable time, not to exceed 15 years, the applicant may choose one of the following alternatives:
 - (1) Install a central sewage system, operated and maintained by the benefited property owners. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.
 - (2) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.
 - C. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of 15 years, the applicant shall install individual disposal systems or central sewage systems.
3. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of applicable zoning regulations and these regulations. Percolation test and test holes shall be made as directed by the City and results submitted to the local board of health.
4. 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.

165.16 SIDEWALKS. The following requirements shall apply to the provision of sidewalks:

1. Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets.
2. Sidewalks shall be improved as required in Section 165.26(5) of these regulations.

165.17 UTILITIES. The following shall apply to the provision of utilities:

1. The Council may require that all utility facilities, including (but not limited to) gas, electric power, telephone and CATV cables, be located underground through 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 shall be provided as follows:

A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least 10 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 10 feet in width shall be provided alongside lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

165.18 PRESERVATION OF NATURAL FEATURES AND AMENITIES. Existing features that 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 nor 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.

165.19 NONRESIDENTIAL SUBDIVISIONS. The following provisions shall apply to nonresidential subdivisions:

1. 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 these regulations, 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. 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 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 a 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.

165.20 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 within two years of 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.

165.21 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION. Improvements in the two-mile unincorporated area under the jurisdiction of these regulations shall be the same as required herein, provided they are not less than that required by the applicable County subdivision regulations, and provided further that all construction plans shall be approved by the County, and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

165.22 VARIATIONS AND EXCEPTIONS. The following shall apply to the granting of variations and exceptions:

1. 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. 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 these regulations.
3. 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 the facts relied upon by the petitioner.

165.23 CHANGES AND AMENDMENTS. Any provisions of these regulations 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.

165.24 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds, satisfactory to the City, so as to insure that for a period of two years from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

165.25 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS. Required improvements may be deferred or waived as follows:

1. The Council may defer or waive at the time of final approval, subject to approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgment are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
2. Whenever it is deemed necessary by the Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements of the City prior to the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

165.26 STREET STANDARDS.

1. General. The following standards shall apply to all streets to be located within the subdivision:
 - A. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.
 - B. 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 these regulations.
 - C. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.

- D. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Council.
- E. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street name signs. The applicant shall deposit with the City at the time of final subdivision approval the estimated cost of installation of each street sign required by the Council.
- F. Installation of street lights shall be required in accordance with design and specification standards approved by the Council.
- G. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.
- H. 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 pattern of existing proposed land uses.
- I. 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.
- J. 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 or the most advantageous future development of adjacent tracts.
- K. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walks, and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- L. Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.
2. Dead-End Streets. Streets and dead-end streets shall be in conformance with the following requirements:
- A. 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 on 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. 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 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 the 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 these regulations.

3. 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 designated 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.

4. Minimum Roadway and Right-of-Way Standards.

A. A tangent at least 100 feet long shall be introduced between reverse curves on municipal arterial and municipal collector streets, and 75 feet on municipal service streets.

B. When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 100 feet for municipal service and municipal collector streets, and of such greater radii as the Council shall determine for special cases.

C. Municipal arterial streets shall have a right-of-way width of not less than 80 feet and a roadway width of not less than 44 feet.

D. Municipal collector streets shall have a right-of-way width of not less than 60 feet and a roadway width of not less than 36 feet.

E. Municipal service streets shall have a right-of-way width of not less than 50 feet and a roadway width of not less than 26 feet.

F. Frontage streets shall have a right-of-way width of not less than 40 feet and a roadway width of not less than 26 feet.

G. 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 50 feet and a roadway radius of 40 feet. No cul-de-sac shall exceed 500 feet in length.

- H. Street grades, wherever feasible, shall not exceed the following:
- (1) Municipal arterial streets – six percent.
 - (2) Municipal collector streets – eight percent.
 - (3) Municipal local streets – 10 percent.
 - (4) Frontage streets – six percent.
 - (5) All changes in street grade shall be connected by vertical curves of minimum length in feet equal to 20 times the algebraic difference in percents of grade.
 - (6) No street grade shall be less than one-half of one percent, unless extreme conditions warrant.
5. Street Surfacing and Improvements. After sewer, water, and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland cement concrete or full depth asphaltic concrete having equivalent bearing capacity. Adequate provisions shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.
6. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations 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.
7. Railroads and Limited Access Highways. Railroad right-of-ways 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 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 extended 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 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.

8. Intersections. The following standards are applicable 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 new streets at an angle of less than 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 100 feet therefrom. No more than two 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 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least 800 feet apart.

C. Minimum curb radius at the intersection of two municipal service streets shall be at least 20 feet; and minimum curb radius at an intersection involving a municipal collector street shall be at least 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 rate at a distance of 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 or less.

9. 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 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 his or her land developed and so served.

10. Alleys. The following design standards for alleys are 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 30 feet and a roadway width of not less than 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.
11. Street Dedications and Reservations. The following provisions apply to street dedications and reservations:
- A. Street system in new subdivision 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 his or her own 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 his or her expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by these subdivision regulations. Land reserved for any street purpose may not be counted in satisfying yard or area requirements of any zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

165.27 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions.

1. No residential block shall be longer than 2,000 feet or shorter than 500 feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.
2. In blocks over 700 feet in length, the Council may require a public way or an easement at least 10 feet in width, at or near the center of the block, for use by pedestrians.
3. In blocks over 800 feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities, or pedestrian traffic.
4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
5. The size of all lots shall comply with the following, but in no case shall a lot contain less than 5,000 square feet in area or be less than 50 feet wide measured at the building line:
 - A. Residential lots, where not served by public sewer, shall be of sufficient size, as determined by the City and subject to any applicable State or County rules or regulations, to accommodate the type of private sewage disposal system proposed by the developer.

- B. 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.
 - C. Corner lots for residential use shall have an extra 20 feet of width to permit appropriate building setback from and orientation to both streets.
6. All lots shall abut a public street or an approved private street.
 7. Unless unavoidable, lots shall not front, or have direct access to, arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
 8. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Council, a variation to this provision will provide a better street and lot layout.
 9. Corner lots shall have sufficient extra width to permit the required front yard setback, oriented to either street.
 10. Reversed frontage and double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.
 11. Pedestrian crosswalks, not less than 10 feet wide, may be required by the Council through the center of blocks more than 800 feet in length. Pedestrian crosswalks shall not exceed 12 percent in grade unless steps of an approved design are to be constructed.

165.28 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference 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 meetings, no commitments shall be made which will be binding upon the City.

165.29 REQUIREMENTS OF THE PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk three copies of the preliminary plat, drawn at a scale of one inch equals 100 feet or larger. Sheet size shall not exceed 24 inches by 36 inches. Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

1. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:
 - 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 planting 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 numbers in numerical order.
 - E. Building setback or front yard lines.
 - F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
 - G. Present and proposed easements, showing locations, widths, purpose and limitations.
 - H. Location and names of adjoining parcels of unsubdivided and subdivided land.
 - I. Boundaries of the highest known flood of record affecting the subdivision and the source of information.
 - J. If the proposed subdivision borders on a lake or stream, the distances and bearings of meander lines established not less than 20 feet back from the mean high water mark of the lake or stream.
 - K. Existing blocks, lots, and buildings.
 - L. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation, and location of each. 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 feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five feet if the general slope is 10 percent or greater, unless the Council waives this requirement.
 - 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 when filing:
- 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 the 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 jurisdiction 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.

165.30 PROCEDURE FOR REVIEW OF PRELIMINARY PLATS.

1. The subdivider shall prepare a preliminary plat in accordance with the provisions of this chapter and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

- A. Be made on forms available from the Clerk together with a fee of \$10.00 per lot.
- B. Be accompanied by a minimum of 10 copies of the preliminary plat.
- C. Be presented to the Clerk at least four weeks prior to the regular meeting of the Council.

2. The Clerk shall immediately refer two copies of the preliminary plat to the City Engineer and seven copies to the Council. 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.

3. The preliminary plat shall be reviewed by the Council to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Copies of the preliminary plat may be transmitted to other City or school officials, as the Council deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer, shall be transmitted to the Council within three weeks after the date the plat is filed. The Council may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

165.31 ACTION BY THE COUNCIL. Within 30 days of the receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, the Clerk shall notify the subdivider of such action. If approved, the Clerk shall affix his or her signature to five copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. Three copies 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 preparation of the final plat.

165.32 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the Council shall be valid for a period of one year from the date of such approval; after which, such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the Council.

165.33 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the City.

165.34 PERFORMANCE BOND PERMITTED. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the City, guaranteeing that improvements not completed shall be completed within a period of one year from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The Council may extend the completion date set forth in the bond for a maximum period of one additional year. Also, the Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an alternative, the applicant post a bond at the time of application for final plat approval in an amount estimated by the Council as sufficient to secure to the City the satisfaction construction, installation, and dedication of the uncompleted portion of required improvements. In addition:

1. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of exaction as set forth in these regulations.
2. The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat, shall be incorporated in the bond, and shall not exceed one year from date of final approval.
3. The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Council may, upon proof of difficulty, extend the completion date set forth in such bond for a maximum period of one additional year. The Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond.
4. The applicant shall build and pay for all costs of temporary improvements acquired by the Council. Prior to the construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.
5. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. In those

cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

165.35 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

165.36 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 shall have the final authority to designate the name of the subdivision which shall be determined at preliminary plat approval.

165.37 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. Every plat of a subdivision offered for record shall conform to all of the following provision where applicable:
 - A. The plat shall be a permanent copy or photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed with 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 18 inches by 24 inches or less than eight and one-half inches by 11 inches.
 - C. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index shall be provided to show the relationship between sheets.
 - D. A maximum scale of 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 the 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 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 of 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, 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. The plat shall contain a statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa registration number or seal.
 - T. Street names and clear designation of public alleys.
 - U. Block and lot numbers.
 - V. Name and address of owner and subdivider.
 - W. Accurate dimensions of any property to be dedicated or reserved for public use.
 - X. The plat shall be signed and acknowledged by the subdivision land owner and his or her spouse.
 - Y. 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 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.
 - 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 acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided 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 a 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.
 - 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 resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
 - G. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted with the preliminary plat, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary

improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

H. The encumbrance bond, if any.

165.38 SUBMISSION OF FINAL PLAT. The subdivider shall prepare a final plat in accordance with the provisions of Section 165.37 of this chapter and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. Be made on forms available from the Clerk together with a fee of \$10.00 per lot.
2. Be accompanied by a minimum of 10 copies of the final plat.
3. 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. Be presented to the Clerk at least four weeks prior to the regular meeting of the Council.

165.39 REFERRAL OF FINAL PLAT. The Clerk shall immediately refer two copies of the final plat to the City Engineer and seven copies to the Council. 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.

165.40 ACTION BY THE COUNCIL. The Council shall, within 60 days, either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.
3. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider 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.

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

1. 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 subdivision, such parcel shall be approved by the same procedure, rules and regulations as for a subdivision.
2. 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 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 requirement of the plat.

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

1. 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 permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably 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 reasonably 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 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 according to the provisions for permanent control monuments prescribed in the previous subsection.
3. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the surveyor's statement on the plat that the additional monuments required by these regulations shall be established before a specified future date.
4. 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 in 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 long, 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. 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.

165.43 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 easement, or other features which will reasonably 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 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.

165.44 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council, provided that such changes and 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.

165.45 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City or within two miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity until it complies with the provisions of these regulations, has been approved by the Council as herein set forth, and further:

1. No more than two 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 legally located upon said tract.
2. Any person who shall dispose of or offer 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 these regulations, shall forfeit and pay \$50.00 for each lot and part of lot sold or disposed of, leased or offered for sale.