

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 DEFINITIONS. For the purposes of this chapter, certain words herein are defined and interpreted as follows:

1. “ADT (average daily traffic)” means the average number of cars per day that pass over a given point.
2. “Alley” means a public or private right-of-way primarily designed to serve as a secondary vehicular access to the rear or side of those properties whose principal frontage is on another street.
3. “Applicant” means the owner of land proposed to be subdivided or his or her representative.
4. “Block” means an area of land within a subdivision that is entirely bounded by streets, or a combination of streets, railroad rights-of-way, shorelines of waterways, tracts of public land, the boundary of the subdivision and/or boundary lines of the City.
5. “Block length” means the length of a block measured at the right-of-way lines and at right angles to its width. If the width and length of the block are not equal in distance, the length shall be considered to be the greater of the two.
6. “Block width” means the width of a block measured at the right-of-way lines and at right angles to its length. If the width and length of the block are not equal in distance, the width shall be considered to be the lesser of the two.
7. “Building Official” means the City employee or employees designated as Building Official by the City Council.
8. “City Engineer” means a professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other

hiring authority, or a designated representative such as an engineering firm made up of registered professional engineers retained to perform the duties of the City Engineer.

9. “Comprehensive Plan” means the general plan for the development of the City, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the City Council. Such comprehensive plan shall include any part of such plan separately adopted and any amendment to such plan or parts thereof.

10. “Cul-de-sac” means a street having one outlet and an appropriate terminal for a safe and convenient vehicular turn around.

11. “Easement” means authorization by a property owner for another party to use a designated part of said property owners property for a specified purpose.

12. “Flood hazard area” means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood or as designated by the Iowa Department of Natural Resources (DNR) or the Federal Emergency Management Agency (FEMA).

13. “Floodway” means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot at any point, assuming equal conveyance reduction outside the channel from the two (2) sides of the floodplain.

14. “Final plat” means the map, plan or record of a subdivision and any accompanying material, as described in these regulations.

15. “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, drainage ways and other public works and appurtenances.

16. “Lot” means a portion of a subdivision or other parcel or tract intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

17. “Lot, corner” means a lot situated at the intersection of two (2) streets.

18. “Lot, double frontage” means any lot which is not a corner lot which abuts two streets.

19. “Major subdivision” means all subdivisions not classified as minor subdivisions, including any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.
20. “Master Plan” - see “Comprehensive Plan”.
21. “Minor subdivision” means any subdivision which does not include any new street or road, or the extension of municipal facilities or the creation of any public improvements.
22. “Nonresidential subdivision” means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.
23. “Ordinance” means any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.
24. “Owner” means the legal entity holding legal title to the property being subdivided or such representative or agent as is fully empowered to act on the owner’s behalf.
25. “Planning and Zoning Commission” or “Commission” means the Planning and Zoning Commission of the City, appointed in accordance with Chapter 23 of this Code of Ordinances.
26. “Plat” means a map, drawing or chart on which a subdivider’s plan for the subdivision of land is presented, which the subdivider submits for approval and intends, in final form, to record.
27. “Plat of survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
28. “Preliminary plat” means the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning and Zoning Commission and City Council for approval.
29. “Public improvement” means any drainage ditch, roadway, street, water main, sewer, parkway, sidewalk, pedestrian-way, 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.

30. “Re-subdivision” means any subdivision of land which 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.

31. “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, shade trees 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.

32. “Road right-of-way width” means the distance between property lines measured at right angles to the center lines of the street.

33. “Street” means public or private 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 adjacent public or private property or may refer to the paving installed within such right-of-way.

34. “Street, local” means a City street other than a major thoroughfare.

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

36. “Subdivision” means a tract of land divided into two (2) or more lots.

37. “Subdivision, major” - see “major subdivision.”

38. “Subdivision, minor” - see “minor subdivision.”

39. “SUDAS” or “SUDAS Manuals” means the Statewide Urban Design and Specifications Manuals, which contain standard designs and specifications for public improvements that have been adopted by the City of Jefferson, and which manuals are maintained by the Center for Transportation Research and Education at Iowa State University.

40. “Thoroughfare, major” means a street which has or is planned to have continuity to carry traffic from one section of the City to another or which provides a traffic route out of and into the City.

41. “Utilities, public (municipal)” means systems for the distribution or collection of water, gas, electricity, cablevision, wastewater and storm water.

42. “Utilities, quasi-public” includes such services as sanitary sewer, electricity, telephone and cable television as well as other similar services provided by other than local government.

166.02 AUTHORITY AND PURPOSE. Pursuant to the powers and jurisdictions vested through Chapter 354 of the Code of Iowa and other applicable laws, statutes, ordinances and regulations of the State of Iowa, the Council shall review, approve and disapprove plats for subdivision of land within the corporate limits of the City or, pursuant to Section 354.9 of the Code of Iowa, unincorporated areas within two miles of the corporate limits of the City. The purpose of this chapter is to provide minimum standards for the design, development and improvement of all new subdivisions and re-subdivisions of land. These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the City.
2. To guide the future growth and development of the City, in accordance with its plans and policies.
3. To provide adequate light, air and privacy to secure safety from fire, flood and other damage, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City.
5. To protect and conserve the value of the land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve and protect environmentally sensitive areas and the natural beauty and topography of the City and to insure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Zoning Ordinance of the City (Chapter 165 of this Code of Ordinances).

166.03 JURISDICTION.

1. This chapter applies to the subdivision of land within the City boundaries and, under the authority of Iowa Code Section 354.9, to the subdivision of land within the area that includes all land within two miles of the City boundaries.
2. Waiver of Two Mile Jurisdiction. The City Council may by resolution waive the City's right to review a subdivision plat or plat of survey within the area that includes all land within two miles from the City's boundaries, provided the following conditions are met:
 - A. The City Council has determined that the subdivision will not conflict with the extension of existing City streets and other City rights-of-way; and
 - B. The City Council has determined that the subdivision will not interfere with development under the comprehensive plan.

166.04 SUBDIVISION PLAT APPROVAL REQUIRED.

1. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into two (2) or more parts within the City or within the two-mile extra-territorial review area

shall cause a plat of such area to be made in the form and containing the information as hereinafter set forth before selling any lots therein contained or placing the plat on record.

2. No land shall be subdivided within the corporate limits or the two-mile extra-territorial area of the City until the following conditions are satisfied:

A. The subdivider shall submit a preliminary plat of the parcel to the City Clerk and the Planning and Zoning Commission.

B. The subdivider shall obtain a recommendation to approve, modify or disapprove the preliminary plat by the Commission and approval of the preliminary plat by the Council.

C. The same process as outlined in A and B above is completed for the final plat of said parcel.

D. The approved final plat is filed with the County Recorder and County Auditor.

3. A plat of survey may be approved pursuant to the requirements of Section 166.22 of this chapter in lieu of a subdivision plat if each lot or parcel to be created by such plat of survey has access to all necessary public utilities and all necessary public utilities are in place.

166.05 INTERPRETATION, CONFLICT AND SEPARABILITY.

1. Interpretation and Application. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.

2. Conflict with Public Provisions. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulations, 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.

3. Conflict with 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 these regulations are made 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. Where the provisions of the easement, covenant or private agreement or

restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the City in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

4. Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provisions or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

166.06 RECORDING OF PLAT. No subdivision plat, re-subdivision plat, plat of survey, or street dedication within the City, or within the two-mile extra-territorial review area of the corporate limits of the City, shall be filed for record with the County Recorder or recorded by the County Recorder until a final plat of such subdivision, re-subdivision or street dedication has been reviewed and approved in accordance with the provisions of this chapter. Upon the approval of the final subdivision plat or plat of survey by the City Council, it shall be the duty of the subdivider to immediately file such plat (and proof of its approval) with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after ninety (90) days, and after due notice to the subdivider, unless such plat has been recorded and evidence thereof filed with the City Clerk within such ninety (90) days.

166.07 FEES ESTABLISHED. The City Council shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision, re-subdivision or plat of survey shall be considered filed with the City Clerk unless and until said plat is accompanied by the approved fee as established by resolution of the City Council and as required by this chapter.

166.08 ENFORCEMENT, VIOLATIONS AND PENALTIES. It shall be the duty of the Building Official to enforce the provisions of this chapter and to bring to the attention of the City Council any violations or lack of compliance herewith. Any person who disposes of or offers for sale any lot or lots within the area of jurisdiction of this chapter before the final plat thereof or a plat of survey has been approved by the Council in accordance with the provisions of this chapter and recorded as required by law shall be in violation of this chapter,

and each day that such violation continues shall be deemed a separate offense. The City shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of these regulations. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this chapter.

166.09 EXCEPTIONS.

1. Modifications of Requirements. Upon recommendation of the Planning and Zoning Commission, or if it deems such action to be appropriate, the City Council may vary, modify or waive the requirements of Sections 166.16 through 166.21 (regarding design and improvement standards) of this chapter under the following circumstances:

A. Where, in the case of a particular proposed subdivision or plat thereof, it can be shown that strict compliance with the requirements of Sections 166.16 through 166.21 of this chapter would result in extraordinary hardship to the subdivider because of unusual topography, excessive costs, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, or

B. Where it can be shown that strict compliance with Sections 166.16 through 166.21 would result in poor subdivision design or could result in the substantial degradation of natural features.

Any action to vary, modify or waive a requirement must assure that the public interest is secured and that such variance, modification or waiver will not have the effect of nullifying the intent or purposes of this chapter.

2. Council Action. In all cases of a variance, modification or a waiver of the general requirements, it will be necessary to have the Council approve the same and note this fact in the resolution approving the plat and subdivision. The Council may also modify, vary or waive the general requirements on its motion for good reason shown, even if the Commission refused to do so.

166.10 CITY'S RIGHT TO INSTALL IMPROVEMENTS. In the event the subdivider, or the assigns or successors in interest of the subdivider, should sell or convey lots in a subdivision without having had constructed or installed the pavement, water mains and sanitary sewers; or if the subdivider, such assigns or successors in interest or the owners of the lots in such subdivision should fail to construct sidewalks, the City shall have the right to install and

construct improvements and the costs of such improvements shall be a lien and charge against all the lots adjacent to or in front of which improvements are made and any lots which may be assessed for improvements under the provisions of Chapter 384 of the Code of Iowa. The cost of such improvements need not meet the requirements of notice, benefit or value as provided by State law for assessing such improvements. It is further provided that this requirement to so construct such improvements is and shall remain a lien until properly released. When required improvements have been installed to the satisfaction of the City, it will immediately file in the office of the County Recorder a good and sufficient release to various lots in such subdivisions so that this section will not constitute a cloud upon the title of the lots in the subdivision.

166.11 RE-SUBDIVISION OF LAND.

1. Procedure for Re-subdivision. 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 thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be reviewed by the Planning and Zoning Commission and approved by the City Council by following the same procedure, rules and regulations as for a subdivision.

2. Procedure for Subdivisions Where Future Re-subdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat or plat of survey shows one or more lots containing more than one acre of land and there are indications that such lots may eventually be re-subdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. In addition, a development plan for the entire subdivision plat may be required and approved by the Council by following the same procedure, rules and regulations as for a subdivision. Easements and/or rights-of-way providing for the future opening and extension of such streets may be made a requirement of the plat.

166.12 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel or tract within the City's corporate limits where a subdivision plat or plat of survey is required by this chapter unless and until a final plat of such subdivision or plat of survey has been approved and recorded in accordance with this chapter and until the improvements required by this chapter have been accepted by the City.

166.13 GENERAL PROCEDURE.

1. Classification of Subdivisions. Whenever a subdivision of land is proposed, the subdividing owner or an authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:

A. Subdivision Plats.

- (1) Preapplication conference with staff.
- (2) Preliminary plat approval by Planning and Zoning Commission and City Council.
- (3) Final Plat approval by Planning and Zoning Commission and City Council.
- (4) Assurance for completion of improvements.

B. Plat of Survey.

- (1) Preapplication conference with staff.
- (2) Plat of survey approval by City Council.

2. Official Submission Dates. For the purpose of these regulations, the date of the regular meeting of the Planning and Zoning Commission at which the recommendation to the City Council for the approval or denial of a subdivision plat is considered shall constitute the official submittal date of the plat at which the statutory period shall commence to run.

3. Preapplication Conference. Before preparing a preliminary plat for a subdivision or a plat of survey, the subdivider shall discuss with the City Administrator and City Engineer the procedure for adoption of a subdivision plat or plat of survey and the requirements as to the general layout of streets and for reservations of land, street improvements, drainage, sewer and water availability, fire protection, and similar matters, as well as the availability of other existing services.

4. Sketch Plan Required. For the preapplication conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses in relation to the surrounding area.

5. Classification. Tentative classification of the proposed subdivision shall be made at the preapplication conference by the City Administrator and City Engineer as to whether the subdivision is a major or minor subdivision (as defined in Section 166.01 of this chapter).

6. Presentation to the Commission or Council. The subdivider may present the sketch plan to the Commission and Council for review prior to incurring significant costs preparing the preliminary or final plat.

7. Plats Required. In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this chapter. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision may submit the preliminary and final plat at the same time.

166.14 PRELIMINARY PLATS.

1. Application Procedure and Requirements. The subdivider shall prepare and file with the City Clerk at least two (2) weeks prior to a regular meeting of the Commission the required fee (if any) and ten (10) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). 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.

2. Preliminary Plat Requirements. The preliminary plat shall be clearly marked "preliminary plat," shall be certified by a registered professional engineer, and shall show or have attached thereto the following:

A. Title, scale, north point and date.

B. Proposed name of the subdivision, which shall not duplicate or resemble existing subdivision names in the City or County.

C. The name and address of the owner or owners of land to be subdivided, the name and addresses of the subdivider if other than the owner, and the name, address, profession and registration of the person preparing the plat.

D. A map showing the general location of the proposed subdivision in relation to surrounding property and streets, the names of adjoining developments and adjoining streets.

E. An overall development plan shall accompany any preliminary plat which is being submitted for only a portion of the land which is owned by the subdivider and could be subdivided in the future.

- F. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.
- G. The location of existing property lines, streets and alleys, easements, buildings, utilities, parks, watercourses, tree masses, bridges, wetlands, cemeteries, railroads and other existing features affecting the plat.
- H. Existing and proposed zoning of the proposed subdivision and existing zoning of adjoining property.
- I. 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 10% or greater.
- J. The legal description and acreage of the area being platted.
- K. The boundary of the area being platted, shown as a dark line, with the approximate location and dimension of all boundary lines to be expressed in feet and decimals of a foot and the approximate location of the property in reference to known section lines.
- L. The layout, numbers and approximate dimensions of proposed lots. 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.
- M. The location, width and dimensions of all right-of-ways, easements, street improvements, and alleys proposed to be dedicated for public use.
- N. The proposed names, material of which the street is to be constructed, and width for all streets in the area being platted.
- O. Location and sizes of present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.
- P. Proposed easements and rights-of-way showing locations, widths, purposes and limitations.
- Q. A soils report for the tract of land to be subdivided prepared by a registered professional engineer experienced in soils investigation showing general soil conditions and including recommendations as to the adaptability of such soils for the

proposed development. This requirement may be waived at the discretion of the City Engineer.

R. A drainage report prepared in accordance with SUDAS Manuals by a registered professional engineer.

S. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes or shown for such purpose in the comprehensive plan or other adopted plans.

T. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

U. Any other pertinent information, as necessary.

V. The signed certification block of the licensed engineer responsible for the design.

3. Review, Approval or Rejection of Preliminary Plat. The following minimum requirements shall be completed:

A. The City Clerk, upon receipt of ten (10) copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, shall forward one copy to the City Engineer, shall forward one copy to the Building Official and shall forward the remaining copies to the Planning and Zoning Commission and such other persons as necessary to review the plat.

B. The City Clerk shall schedule the preliminary plat for consideration by the Planning and Zoning Commission.

C. The Commission shall examine the preliminary plat and the reports of the City Engineer and Building Official and such other information as it deems necessary or desirable to ascertain whether the plat conforms to the ordinances of the City and to the Comprehensive Plan and other duly adopted plans of the City. The Commission shall, within forty-five (45) days of its regular meeting at which the preliminary plat was first presented, forward a report and recommendation for approval, conditional approval or disapproval of the plat to the Council. Unless the subdivider agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. If the Commission recommends to disapprove or modify the plat, the reasons therefor shall be set

forth in writing in the report and a copy of the report and recommendation shall be provided to the subdivider.

D. The Council shall examine the preliminary plat, the report of the City Engineer, the report of the Commission and such other information as it deems necessary or desirable. Upon such examination the Council shall ascertain whether the plat conforms to the ordinances and standards of the City, the Comprehensive Plan and other duly adopted plans of the City and will be conducive to the orderly growth and development of the City in order to protect the public health, safety and welfare. Following such examination, the Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the Council is to disapprove the plat or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the Council, and such decisions shall be provided to the subdivider. Action on the preliminary plat by the Council shall be taken within thirty (30) days of receiving recommendations of the Commission or after the time of any extension thereof has passed for the Commission to file their recommendation.

4. Duration of Approval of Preliminary Plat. The approval of a preliminary plat by the Council shall be valid for a period of one (1) year from the date the Council approves said preliminary plat, 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.

5. Effect of Approval. The approval of the preliminary plat shall constitute authorization by the Council for the installation of improvements as required by this chapter and as shown on the preliminary plat, provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections and specifications for the construction of such improvement have been submitted to and approved in writing by the City Engineer.

6. Zoning Regulations. Every plat shall conform to the existing Zoning Ordinance applicable at the time of the proposed final plat approval, with the exception that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Zoning Ordinance rendering the plat nonconforming as to bulk or use, provided that final plat approval is obtained within the one (1) year period.

166.15 FINAL PLATS.

1. Application Procedure and Requirements. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk ten (10) copies of the final plat (said copies shall be marked "Final Plat") and required attachments as set forth in this chapter. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. The final plat shall be drawn at a scale of one inch equals 100 feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") or smaller than eight and one-half inches by eleven inches (8½" x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat and match lines indicating where other sheets adjoin.

2. Final Plat Requirements. The final plat shall comply with Chapter 354 of the Code of Iowa, shall be certified by a registered land surveyor, and shall show the following:

- A. The name of the subdivision, which must be unique to other subdivisions in the County, and approved for use by the County Auditor.
- B. Name and address of the owner and subdivider.
- C. Scale, graphic bar scale, north point and date on each sheet.
- D. All permanent monuments to be of record.
- E. Accurate and sufficient survey data 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.
- F. All distance, bearing, curve and other survey data for all lot, street right-of-way and boundary lines.
- G. 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. Un-platted, adjoining property shall be labeled as such. If the subdivision platted is a re-subdivision 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. A re-subdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

- H. Street names and clear designation of public alleys.
- I. Block and lot numbers.
- J. Accurate legal description of the subdivision boundary lines.
- K. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community neighborhood use and the purpose for which such property is dedicated or reserved for such use.
- L. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities, including gas, power, telephone, cable television, water, sewer; easements for ingress and egress; easements for pedestrian usage; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat and said easements shall also be defined on the plat or dedication document.
- M. All interior excepted parcels, clearly indicated and labeled “not a part of this plat.”
- N. 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 as provided in Chapter 355, Code of Iowa.
- O. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor’s direct personal supervision, signed and dated by the surveyor and bearing the surveyor’s Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
- P. Approval block with signature and date lines for the Planning and Zoning Commission, the City of Jefferson and any other agency or department as may be required by the City.

3. Attachments Accompanying the Final Plat. The following shall be attached to and accompany any final plat:

- A. A statement by the proprietors and their spouses, 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 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.

B. 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 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.

C. 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.

D. 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.

E. A certificate of the City Engineer stating that all improvements and installations in the subdivision shown on the preliminary plat and required by this chapter have been made in accordance with City standards, or, if such improvements have not been completed, a performance bond as required under Section 166.16 of this chapter.

F. If the improvements are not completed when the final plat is approved, the final plat shall state that the developer, its grantees, assignees and successors in interest agree that public services including, but not limited to, street maintenance, snow and ice removal, rubbish, refuse and garbage collection, will not be extended to such subdivision until the pavement is completed and accepted by the City Council.

G. If private improvements or areas have been approved, the subdivider shall be required to secure and provide an agreement in the form of a covenant running with the land, approved by the City Attorney, providing for the construction or reconstruction of such improvements to meet City standards, and assurance that the City will not have any maintenance or other responsibility regarding the private improvements or areas.

H. Where public improvements have been installed, a resolution accepting and approving such improvements by the Council, along with any performance and maintenance bonds required by this chapter, shall be required.

I. A resolution and certificate for approval of the final plat by the Council and signature lines for the Mayor and City Clerk, including dates.

J. The application fee, if any.

4. Final Plat Review, Approval or Rejection. The following explains the procedure and process for final plat review, approval or rejection:

A. The City Clerk, upon receipt of ten (10) copies of the final plat, shall file one copy in the records of the City, shall retain one copy for public inspection, shall forward one copy to the City Engineer, shall forward one copy to the Building Official and shall forward the remaining copies to the Planning and Zoning Commission and such other persons as necessary to review the plat.

B. The Building Official and the City Engineer shall examine the final plat as to its compliance with the ordinances and standards of the City and its conformance with the preliminary plat and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider and the Commission.

C. The Commission shall then review the final plat and forward a written recommendation to approve, modify or deny the final plat to the Council within forty-five (45) days of its regular meeting at which the final plat was considered or after the time of any extension thereof. Unless the subdivider agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. If the Commission recommends to disapprove the plat or to require modification of the plat, the reasons therefor shall be

set forth in writing and a copy of the recommendation shall be provided to the subdivider.

D. Upon receipt of the final plat and written reports thereon, the Council shall review the final plat and attachments thereto. If the final plat is found to conform to the ordinances and standards of the City and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Council shall approve the final plat and shall cause its approval to be entered on the plat as required by law.

E. Action on the final plat by the Council shall be taken within thirty (30) days of the date of receiving recommendations of the Commission, unless such time period is extended by agreement between the subdivider and the City. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Council and such decision shall be provided to the subdivider.

F. Approval of the final plat shall not constitute final acceptance of any improvements. Improvements will be accepted only after their construction has been completed and the City Engineer reports that all said improvements meet all City specifications and ordinances or other City requirements and any agreements between the subdivider and the City. Any acceptance of improvements shall be made by separate resolution of the City Council.

166.16 IMPROVEMENTS GENERALLY, ASSURANCE FOR COMPLETION AND MAINTENANCE.

1. Improvements Required. The subdivider shall, at the subdivider's expense, install and construct all improvements required by this chapter and dedicate the improvements to the City, free and clear of all liens and encumbrances on the property and the dedicated improvements. All required improvements shall be installed and constructed in accordance with (i) the Statewide Urban Design and Specifications (SUDAS) Manuals, (ii) such additional or other design standards for such improvements as may be established by the City, (iii) all applicable sections of this Code of Ordinances, (iv) all applicable federal and state statutes, rules and regulations, including the Iowa Administrative Code, and (v) as shown on the approved preliminary plat.

2. Standards Prescribed. The standards set forth in this chapter shall be considered the standards necessary to protect the public health, safety,

and general welfare, and can only be deviated from by authorized variance.

3. Construction plans. Construction plans shall be submitted for review by the City Engineer prior to construction of any improvements. The plans shall be signed and certified by an engineer licensed to practice in the state of Iowa. The cost of the plan review shall be paid by the developer to the City.

4. Inspection. All improvements shall be inspected by the City Engineer or the engineer's designated representative to ensure compliance with the requirements of this chapter. The cost of inspection shall be paid by the developer to the City.

5. Completion of Improvements and Performance Bond. If all of the improvements shown on the preliminary plat and required by this chapter are not completed before the final plat is approved by the City Council, the subdivider shall post a performance bond with the City to secure to the City the satisfactory construction and installation of all such required improvements remaining to be completed within a period of one (1) year from the date of approval of such final plat. The form and type of bond shall be approved by the City Attorney and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus ten percent (10%), and the amount of the estimate must be approved by the City Engineer and City Administrator. If the improvements are not completed within the specified time, the City may use the bond or any necessary portion thereof to complete the same.

6. Maintenance and Bond. After acceptance of the required subdivision improvements by the City Council, the owner and subdivider shall maintain all such improvements free of defects for two years for water, sanitary sewer and storm sewer improvements, and four years for all street paving (including curb and gutter). The owner and subdivider shall post a maintenance bond in an amount estimated by the City Engineer as sufficient to secure to the City the satisfactory maintenance and condition of all required subdivision improvements. Such maintenance bond shall be in form satisfactory to the City Attorney and shall be in effect for the maintenance periods stated above.

7. Plat to Conform to Comprehensive Plan. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the Council and shall conform to such other plans, including but not limited to a Transportation Master Plan, a Sanitary Sewer System Plan,

and an Open Space and Recreation Master Plan, provided such plans have been adopted by the City.

8. Construction Standards for Improvements. In addition to the standards set forth in this chapter, the City Engineer shall, from time to time, prepare, and the Council shall, from time to time, adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the Council by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

166.17 SITE DESIGN STANDARDS.

1. Site Analysis. An analysis shall be made of characteristics of the development site such as site context; geology and soil; topography; climate; ecology; existing vegetation, structures, roadways and streets; visual features; and past and present use of the site.

2. Subdivision and Site Design.

A. Design of the development shall take into consideration all existing local and regional plans for the surrounding community.

B. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

3. Residential Development Design.

A. In conventional developments, the Commission may vary lot areas and dimensions, yards and setbacks for the purpose of encouraging and promoting flexibility, economy and environmental soundness in layout and design, provided that the average lot areas and dimensions, yards and setbacks within the subdivision conform to the minimum requirements of Chapter 165 (Zoning Ordinance) and provided that such standards shall be appropriate to the type of development permitted.

B. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.

4. Commercial and Industrial Development Design. Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.
5. Circulation System Design.
 - A. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
 - B. The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In planned developments, walks may be placed away from the road system, but they may also be required parallel to the street for safety reasons.
6. Landscape Design.
 - A. Reasonable landscaping shall be provided at site entrances, in public areas and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with type of development.
 - B. Plantings or other landscaping materials that best serve the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions and availability of water. The impact of the proposed landscaping plan at various time intervals shall also be considered.
7. Lands Subject to Flooding. No subdivision containing land located in a designated or undesignated floodway or flood hazard area shall be approved by the City without the approval of the Iowa Department of Natural Resources. No lot shall be located so as to include land located within a designated or undesignated floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the designated or undesignated floodway or flood hazard area suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located. Land located within a designated or undesignated flood hazard area or

floodway may be included within a plat as follows, subject to the approval of the City.

- A. Included within individual lots in the subdivision, subject to the limitations of this section.
- B. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.
- C. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

166.18 STREETS.

- 1. General.
 - A. The arrangement of streets shall conform to any Comprehensive Plan of the City.
 - B. For streets not shown on any Comprehensive Plan, the arrangement shall provide for the appropriate extension of existing streets.
 - C. The owner, developer or subdivider shall make provisions for continuation and extension of streets which shall be done in accordance with current City standards.
 - D. All proposed dedications of right-of-way for streets shall be approved in writing by the City Engineer and shall conform to the requirements of City ordinances.
 - E. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley, or public place and provide appropriate P.C.C. paving, including curb and gutter on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City, unless otherwise specified. Under some circumstances, the City may require, as a condition for approval of the final plat, dedication and improvement of a street having a width greater or less than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. The streets shall, upon final approval and acceptance by the City, become the property of the City.
- 2. Street Hierarchy.
 - A. Streets shall be classified in a street hierarchy system with design standard relating to function, as specified by the Federal

Highway Administration Functional Classification and administered by the Iowa Department of Transportation.

B. The subdivider shall demonstrate to the Commission's satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT thresholds for that street type.

3. Street Standards. The following standards shall apply to all streets to be located within the subdivision:

A. Streets shall provide for the continuation of major thoroughfares from adjoining platted areas and the extension of major thoroughfares into adjoining unplatted areas. Where a plat encompasses the location for a major thoroughfare proposed in the Comprehensive Plan or other approved plan, the plat shall provide for such street.

B. Street grades shall align to existing streets and all grades for streets shall be as approved by the City.

C. Major thoroughfares shall be located so as to not require direct access from the major thoroughfares to abutting lots.

D. Street right-of-way widths and pavement width shall be as specified in the Comprehensive Plan and the Statewide Urban Design and Specifications (SUDAS) Manuals.

E. Half-streets are prohibited, except where an existing platted half-street abuts the subdivision. A platted half-street to complete the street shall then be required.

F. Minor streets should be designed to discourage through traffic while safely connecting to major thoroughfares.

G. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet are prohibited.

H. Streets shall intersect as nearly at right angles as possible, and no street shall intersect any other street at less than sixty (60) degrees.

I. 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.

J. Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.

K. Streets which connect with other streets or loop streets are preferred over cul-de-sacs for reasons pertaining to maintenance, fire protection and vehicular circulation. Cul-de-sacs, although permitted, shall be allowed on a limited basis and only when the developer can show that connecting streets or loop streets will prevent the property from being fully developed.

L. Dead-end alleys shall be provided with a turn-around with a minimum right-of-way diameter of one hundred twenty-five (125) feet.

M. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate re-subdivision with provision for adequate utility connection for such re-subdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Council, be made a requirement of the plat.

N. Streets which 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.

O. The Council may approve a private street provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

4. Curbs and Gutters.

A. Curbs and gutters shall be required for all streets unless waived by the City Council upon the approval of the City Engineer. Curbing may also be required:

- (1) For storm water management.
- (2) To stabilize pavement edge at intersections, corners and/or tight radius curves.
- (3) To delineate parking areas.
- (4) Ten (10) feet on each side of drainage inlets.

B. Where curbing is not required, some sort of edge definition and stabilization shall be furnished for safety reasons and to prevent pavement unraveling.

C. Where curbing is required, this requirement may be waived and shoulders and/or drainage swales used when it can be shown that:

- (1) Shoulders are required by State regulations.
- (2) Soil or topography makes the use of shoulders and/or drainage swales preferable.
- (3) It is in the best interest of the community to preserve its rural character by using shoulders and/or drainage swales instead of curbs.

D. At medium development intensity, the curbing requirement may be waived where front setbacks exceed forty (40) feet and it can be demonstrated that sufficient on-site parking exists.

E. Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed.

F. Curb ramps shall be provided for all sidewalks and bikeways in accordance with requirements of the Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities.

5. Shoulders.

A. Shoulders and/or drainage swales may be required instead of curbs when:

- (1) Shoulders are required by State standards.
- (2) Soil or topography make the use of shoulders and/or drainage swales preferable.
- (3) It is in the best interest of the community to preserve its rural character by using shoulders and/or drainage swales instead of curbs.

B. Shoulder requirements shall vary according to street classification and intensity of development in accordance with City standards.

6. Sidewalks.

A. Sidewalks shall be required on both sides of the street paving, unless waived by the City Council.

- B. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high-density residential areas, sidewalks may abut the curb.
- C. In planned developments, sidewalks may be located away from the road system to link dwelling units with other dwelling units, the street and on-site activity centers such as parking areas and recreation and/or open space areas. They may also be required parallel to the street for safety and other reasons.
- D. Pedestrian-way easements shall be a minimum width of ten (10) feet and may be required by the Commission or Council through the center of blocks greater than 700 feet long to provide circulation or access to schools, playgrounds, shopping or other community facilities.
- E. Sidewalks shall measure four (4) feet in width; wider widths may be required near pedestrian generators and employment centers. Where sidewalks abut the curb and cars overhang the sidewalk, width shall be six (6) feet.
7. Utility Areas.
- A. Utilities shall generally be located within the right-of-way on both sides of and parallel to the street.
- B. Utility areas shall be planted with grass or ground cover.
8. Right-of-Way.
- A. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the traveled way, curbs, shoulders, sidewalks, graded areas, utilities and shade trees (if they are placed within the right-of-way), and bikeways.
- B. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.
- C. The right-of-way shall reflect future roadway and street development within the subdivision.
9. Underground Wiring.
- A. All electric, telephone, television and other communication lines, both main and service connections, servicing new

developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

B. Lots that abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

C. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; and trees shall be planted in open areas and at key locations to minimize the view of the poles.

D. Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required.

10. Signs.

A. Design and placement of traffic signs shall follow Iowa Department of Transportation (DOT) regulations.

B. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed as per City standards and free of visual obstruction. The design of street name signs shall be consistent of a style appropriate to the community and of a uniform size and color.

C. Site information signs in planned developments shall follow a design theme that is related and complementary to other elements of the overall site design.

11. 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 re-subdivisions:

- A. No residential block shall be longer than thirteen hundred (1,300) 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 and pedestrian easements.
- B. In blocks over seven hundred (700) feet in length, the Council may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians and/or bicyclists.
- C. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide the use intended and to meet the parking, loading and other requirements for such uses contained in the Zoning Ordinance.
- D. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- E. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.
- F. All lots shall abut a public street or an approved private street with a minimum frontage of sixty (60) feet measured as a straight line between the two front lot corners, except frontage on a radius may have a minimum frontage of not less than thirty-five (35) feet.
- G. Unless unavoidable, lots shall not front or have direct access to major thoroughfares. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- H. 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.
- I. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the Zoning Ordinance, oriented to either street.
- J. 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.
- K. Any lot to be served by a private sanitary sewage system shall have sufficient area to allow for a satisfactory drain field. No subdivision to be served by septic systems shall be approved

by the Council until percolation tests have been performed and the results of said tests have been provided to and reported on by the City Engineer. Furthermore, no subdivision served by a private sanitary sewage system within the City's jurisdiction shall be approved by the Council unless adequate covenants and/or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such system. The system shall also comply with all City, County and State standards and specifications.

166.19 WATER SUPPLY.

1. General.
 - A. All installations shall be properly connected to an approved and functioning City water supply system.
 - B. Depending on the number of housing units, residential subdivisions shall be connected to an existing public water supply system if public service is available.
 - C. If a public water supply system is to be provided to the area within a six-year period as indicated in a municipal water master plan, official map or other official document, the City may require installation of a capped system, or dry lines (mains only) within the road right-of-way; or the City may require a payment in lieu of the improvement.
 - D. All proposals for new public community water supplies or extensions to existing public water systems or the installation of dry lines or use of wells and other water sources shall be approved by the City Engineer and meet City standards and State specifications.
 - E. Under some circumstances, the City may require as a condition for approval of the plat installation of a water supply system that is larger than necessary to meet the needs of the platted area but necessary to complete the City water supply system as it relates to both the area being platted and other areas.
2. Capacity.
 - A. The water supply system shall be adequate to handle the necessary flow based on complete development.
 - B. The demand rates for all uses shall be considered in computing the total system demand. Where fire protection is

provided, the system shall be capable of providing the required fire demand plus the required domestic demand.

C. The water system shall be designed to carry peak-hour flows and be capable of delivering the peak hourly demands.

3. System Design and Placement. System design and placement shall comply with all City specifications and ordinances.

4. Alternative Private Systems for Water. Where connection to the City water system cannot reasonably be made, the City may approve alternate private facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate private systems shall be designed to fully protect the public health, safety and welfare and shall meet all requirements of State, County or other applicable health regulations. Prior to granting approval of such alternate private systems, the City shall require that the owner and subdivider provide to the City a waiver of assessment protest or such other legally binding documents necessary to protect the City from the expense of the subsequent installation of water facilities.

166.20 SANITARY SEWERS.

1. General.

A. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the City.

B. Under some circumstances, the City may require as a condition for approval of the plat installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas.

C. All installations shall be properly connected to an approved and functioning sanitary sewer system.

D. Depending on the number of housing units, residential subdivisions shall be connected to an existing public sanitary sewer system if public service is available.

E. If a public system is not in place or cannot be extended, the developer must provide subsurface disposal systems where appropriate, given site density, soil, slope and other conditions and subject to applicable State, City and County regulations.

F. If a public sanitary sewer system will be provided to the area within a six-year period as indicated in a municipal sewer master plan, official map or other official document, the City may require installation of a capped system or "dry lines" (mains only), within the road right-of-way; or the City may require a payment in lieu of the improvement.

G. All proposals for new public sanitary sewer systems, or extensions to existing public sewer systems or the installation of "dry lines" or the use of subsurface disposal systems, shall be approved by the City, State or other officially designated unit of government and meet all City standards and State specifications.

2. System Design and Placement. The sanitary sewer system shall be adequate to handle the necessary flow based on complete development. System design and placement shall comply with City, State and County specifications.

166.21 STORM WATER MANAGEMENT.

1. The subdivider of land being platted shall install and construct a storm water management system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm water system shall be constructed in accordance with the standard plans and specifications of the City.

2. Under some circumstances, the City may require as a condition for approval of the plat installation of a storm water system that is larger than necessary to meet the needs of the platted area but necessary to complete the City storm water system as it relates to both the area being platted and other areas.

3. Design of the storm water management system shall be consistent with general and specific concerns, values and standards of the City and applicable County, regional and State storm drainage control programs. Design shall be based on environmentally sound site planning and engineering techniques.

4. The best available technology shall be used to minimize off-site storm water runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces and swales.

5. If a storm water pollution prevention plan (SWPPP) and storm water discharge (NPDES) permit is required by state regulations then a copy of the plan and permit shall be provided to the city.

166.22 SUBDIVISION BY PLAT OF SURVEY.

1. Plat of Survey Allowed. A plat of survey may be approved by the City Council in lieu of the preliminary and final subdivision plats required by this chapter pursuant to the procedure set forth in this section.

2. Improvements Required for Approval. A plat of survey may be approved pursuant to this section only if each parcel created as a result of such plat of survey has access to all necessary public utilities that would be required for property covered by a regular subdivision plat and all such public utilities and improvements are in place, except that upon recommendation of the City Administrator and City Engineer the requirement for construction of any such improvements may be waived subject to the restriction that no building permit or certificate of occupancy will be issued for the property until the improvement is completed, when they determine that such a waiver is justified because of incompatible grades, future planning or inadequate or nonexistent connection facilities, and that such waiver will not adversely affect the public health, safety or general welfare.

3. Pre-application Conference. Whenever a subdivision of land is proposed by a plat of survey, the applicant shall submit to the City Clerk a request for a pre-application conference with the City Administrator. The purpose of the conference is to acquaint City staff with the proposed subdivision and acquaint the applicant with the regulations and policies that might relate to the proposed subdivision. The applicant shall furnish a legal description of the property to be subdivided at the time of submission of the request for a pre-application conference, and the conference shall be held within fifteen (15) days of such request.

4. Approval of Plat of Survey.

A. After completion of the pre-application conference and in the event the applicant wishes to proceed to divide the property that was the subject of such pre-application conference by plat of

survey, the applicant shall cause to be prepared and filed with the City Clerk four (4) copies of each of the following documents and such other information as may be requested by the City Administrator.

- (1) A plat of survey prepared by a registered land surveyor which shall conform with all the requirements of the Iowa Code applicable to a plat of survey.
- (2) A list of the names, addresses and telephone numbers of all the owners of the parcel of land proposed to be divided.
- (3) A statement or drawing identifying all adjoining properties and showing the names and addresses of owners of each adjoining property. If any adjoining properties are part of an official plat the name of that plat shall be shown.
- (4) A statement showing the existing and any proposed zoning classification of the property to be divided and all adjoining properties.
- (5) A plat or drawing prepared by a registered land surveyor showing the location of all structures located on the property to be divided and their distance from existing and proposed boundary lines.
- (6) A plat or other drawing prepared by a registered land surveyor showing the location of existing public streets and roads, water, sanitary and storm sewer, and gas and electrical services in relation to the property to be divided. If any such improvements are not in place, then detailed information shall be submitted showing plans for their installation, including a plat or drawing showing their proposed location and copies of easements and right of way agreements providing for the extension of such services.

B. Upon receipt of the required copies of said plat and other information, the City Administrator and City Engineer shall review the same and determine if the proposed plat of survey conforms to the requirements of this title and then recommend to the City Council that such plat be approved or rejected. Upon completion of such review the proposed plat of survey shall be considered for approval or rejection by the City Council.

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