

## CHAPTER 175

# SUBDIVISION REGULATIONS

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**175.01 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 developments 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. The further purpose of this chapter is to insure that all new subdivisions and developments pay their own way to the greatest extent possible so that existing services and facilities of the City are not lessened or reduced to the detriment of the current citizens.

**175.02 APPLICATION.** Every owner of any original parcel of land, forty acres or part thereof, entered of record in the office of the Johnson County Recorder as a single lot, parcel or tract on or before the effective date of these regulations (date of original subdivision ordinance) who divides said parcel into three or more lots, parcels or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development

within the City or within two miles of 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 therein contained or placing the plat on record.

**175.03 DEFINITIONS.** For the purposes of this chapter, certain words herein shall be defined as and interpreted as follows.

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "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.
3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
4. "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.
5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
6. "Building line" means a line on a plat between which line and public right-of-way no building or structures may be erected.
7. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the Council or other hiring authority.
8. "Comprehensive plan" means the general plan for the development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Council. Such comprehensive plan shall include any part of such plat separately adopted. and any amendment to such plan or parts thereof.
9. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

10. "Cul-de-sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turnaround.

11. "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.

12. "Easement" means an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

13. "Flood hazard area" means any area subject to flooding by a one percent probability flood, otherwise referred to as a one-hundred-year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

14. "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-year flood without cumulatively raising the waterway surface elevation more than one foot.

15. "Forty-acre aliquot part" means one-quarter of one-quarter of a section.

16. "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.

17. "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.

18. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.

19. "Lot, corner" means a lot situated at the intersection of two streets.

20. "Lot, double frontage" means any lot that is not a corner lot that abuts two streets.

21. "Metes and bounds description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

22. "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.
23. "Original parcel" means forty acres or part thereof entered of record in the office of the Johnson County recorder as a single lot or parcel on or before date of original subdivision ordinance.
24. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
25. "Parcel" means a part of a tract of land.
26. "Performance bond" means a surety bond or cash deposit made out to the City in an amount equal to the full cost of improvements which are required by this chapter, said cost estimated by the City and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.
27. "Permanent real estate index number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
28. "Planning Commission" or "Commission" means the appointed Commission designed by the Council for the purpose of this chapter, and may also be known as the Planning and Zoning Commission.
29. "Plat" means a map, drawing or chart on which a subdividers plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.
30. "Plats officer" means the individual assigned the duty to administer this chapter by the Council or other appointing authority.
31. "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.
32. "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.
33. "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.

34. "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.

35. "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.

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

37. "Street, local" means a street primarily designed to provide access to abutting property.

38. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

39. "Subdivision" means the cumulative effect of dividing an original lot, tract or parcel of land, as of date of original subdivision ordinance into three or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

40. "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 plan and succinct name or title that is unique for the county where the land is located.

41. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.

42. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

43. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater and storm water.

**175.04 IMPROVEMENTS REQUIRED.** The subdivider shall, at said subdivider's 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 as shown on the approved preliminary plat.

**175.05 INSPECTION.** All improvements shall be inspected to insure compliance with the requirements of this chapter. The cost of such inspection

shall be borne by the subdivider and shall be the actual cost of the inspection to the City and must be paid in full before any building permits are issued for any lots in the subdivision.

**175.06 COMPLETION OF IMPROVEMENTS.** Before the Council shall approve the final plat, all of the required improvements shall be constructed and accepted by formal resolution of the 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 subdivider and the City.

**175.07 PERFORMANCE BOND.** The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

**175.08 AMENDMENT PROCEDURE.** This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Planning and Zoning Commission for study and recommendation. The Commission shall report within thirty days, and failure to do so will be deemed approval of the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

**175.09 COMPLIANCE WITH CHAPTER AND COUNCIL APPROVAL.** No plat or subdivision in the City subject to control of the City under Chapter 354 of the Code of Iowa shall be recorded or filed with the Johnson County Auditor or Johnson County Recorder nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed in this chapter.

**175.10 ACREAGE SUBDIVISION.** Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future subdivision of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of minor streets. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

**175.11 PROCEDURE AND SUBMISSION REQUIREMENTS FOR PLATS.** In obtaining final approval of a proposed subdivision by the Council, the subdivider and owner shall submit a plat in accordance with the requirements hereinafter set forth and install improvements or provide a performance bond.

**175.12 PREAPPLICATION CONFERENCE.** Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the Clerk. The conference should be attended by the Clerk and such other City or utility representative as is deemed desirable. The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures and any special problems relating to the proposed subdivision.

**175.13 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.

**175.14 PRESENTATION TO COMMISSION.** The subdivider may present the sketch plan to the Planning and Zoning Commission for review prior to incurring significant costs preparing the preliminary or final plat.

**175.15 SUBDIVISION CLASSIFIED.** Any proposed subdivision or resubdivision shall be classified as follows.

1. Minor Subdivision. Any subdivision that contains not more than four lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.
2. Major Subdivision. Any subdivision that, in the opinion of the Council, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.
3. Restricted Subdivision. Any subdivision necessitated by the transfer or proposed transfer between adjoining landowners of small not buildable parcels. When application for subdivision is made under this subsection and approved by the Council, any or all of the requirements of a preliminary plat, final plat or other subdivision procedure, except fees and costs, may be waived by the Council. At a minimum the subdivider shall cause to be prepared and recorded a plat of survey complying with the requirements of Iowa Code 355.7 together with an agreement sufficient to constitute a covenant running

with the land containing those restrictions on building and use required by the Council.

**175.16 PLATS REQUIRED.** In order to secure approval of a proposed subdivision, 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 or an auditor's plat may elect to omit the submission of a preliminary plat.

**175.17 REQUIREMENTS OF PRELIMINARY PLAT.** The subdivider shall prepare and file with the City Clerk eleven (11) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date;
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners;
3. Present and proposed streets, alleys and sidewalks, with their right-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;
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular;
5. Building setback or front yard lines;
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes;
7. Present and proposed easements, showing locations, widths, purposes and limitation;
8. 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;
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county;
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat;
11. Existing and proposed zoning of the proposed subdivision and adjoining property;
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat;

13. Contours at vertical intervals of not more than two feet if the general slope of the site is less than ten percent and at vertical intervals of not more than five feet if the general slope is ten percent or greater, unless the City Council waives this requirement;

14. Any other item requested by the Council or City Engineer to enable the City to review the preliminary plat in accordance with the purpose stated in this chapter.

**175.18 FILING FEES FOR PRELIMINARY PLAT.** It is the intended purpose of this chapter that the subdivider pay all associated expenses incurred by the Council in reviewing the plat filed pursuant hereto. Accordingly, the subdivider shall pay a fee of one hundred fifty dollars (\$150.00) plus an additional one dollar (\$1.00) for each lot in the proposed subdivision. In addition, prior to the approval of the preliminary plat the subdivider shall reimburse the Council for its actual expenses incurred by its professional staff in the review of the plat submitted. In addition, by filing a plat hereunder, the subdivider specifically grants permission to the Council to hire those experts and conduct those studies necessary to further the purposes of this chapter and any costs and fees associated therewith shall also be reimbursed by the subdivider to the Council prior to the preliminary plat being approved hereunder. All costs paid by the subdivider to the Council shall be those costs actually incurred by the Council.

**175.19 REFERRAL OF PRELIMINARY PLAT.** The Clerk shall forthwith refer two copies of the preliminary plat to the City Engineer, four copies to the Council and four copies to the Planning and Zoning Commission and one copy to City Attorney.

**175.20 ACTION BY THE CITY ENGINEER.** The City Engineer shall within fifteen (15) days of filing of the preliminary plat carefully examine said plat as to its compliance with Chapter 354 of the Code of Iowa and the laws and regulations of the City, the existing street system, and good engineering practices, and shall submit the City Engineer's findings in duplicate to the Council and a copy to the City Attorney and Planning and Zoning Commission.

**175.21 ACTION BY THE COMMISSION.** The Planning and Zoning Commission shall upon receiving the report of the City Engineer schedule a meeting as soon as possible but not more than fifteen (15) days thereafter to consider and report, negotiate with the subdivider on changes deemed advisable and the kind and extent of the improvements being made by the subdivider together with a recommendation as to whether any recoupment fees should be assessed under Chapter 174. In addition, the Planning and Zoning Commission shall pass upon the preliminary plat as originally submitted or modified together with any changes, recommendations or proposals the Planning and Zoning Commission shall consider relevant. Said

report shall be made by the Planning and Zoning Commission not later than fifteen (15) days following the date of its meeting. Failure to make a report shall be deemed an approval of the preliminary plat without recommendation.

**175.22 ACTION BY THE COUNCIL.** The Council shall, upon receiving the report of the City Engineer, as soon as possible, but not more than forty-five (45) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable, the nature and extent of recoupment fees, and the kind and extent of improvements to be made by the subdivider, review the recommendation of the Planning and Zoning Commission, if any, and pass upon the preliminary plat as originally submitted or modified. If the Council does not act within forty-five days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval. In the event that substantial changes or modifications are made by the Council or disapproval of the plat, it shall give its reasons therefor and it may request and cause a revised preliminary plat to be resubmitted in the same manner as the original plat. If approved, the Council shall express its approval as "conditional approval" and state the conditions of such approval, if any. The action of the Council shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other copy retained by the Council. The "conditional 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.

**175.23 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.

**175.24 FILING FEE FOR FINAL PLAT.** The subdivider or developer shall reimburse the Council as a filing fee for the final plat the cost actually incurred by the Council by its professional staff or others for the actual cost of review and monitoring of the actions taken by the subdivider subsequent to the approval of the preliminary plat. These costs shall include but not be limited to inspection fees, actual costs of professional staff together with the actual cost of any studies or findings made by others commissioned by the Council to perform services in connection with the review of the plat filed hereunder to further the purposes of this chapter.

**175.25 REFERRAL OF FINAL PLAT.** The subdivider shall, within twelve months of the "conditional approval" of the preliminary plat by the Council,

prepare and file four copies of the final plat and other required documents with the Clerk as hereinafter set forth, and upon the subdivider's failure to do so within the time specified, the "conditional approval" of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Council. Upon receipt of the final plat and other required documents, the City Clerk shall transmit two copies of the final plat to the Council for its recommendations and approval. Except for a final plat for a minor subdivision or an auditor's plat 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. At its discretion the Council may refer the final plat to the City Engineer pursuant to the procedure established in Section 175.20.

**175.26 REQUIREMENTS OF FINAL PLAT.** The final plat shall conform to the requirements of Chapter 354, Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred feet to one inch with India ink on a reproducible tracing linen. It shall show:

1. The title under which the subdivision is to be recorded;
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles;
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan;
4. Location, type, materials and size of all monuments and markers including all U.S., county or other official benchmarks;
5. The signature and acknowledgment of the subdivision land owner and the subdivision land owner's spouse;
6. A sealed certification of the accuracy of the plat and that the plat conforms to Chapter 354 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

**175.27 FINAL PLAT ATTACHMENTS.** The final plat shall have the following attached to it:

1. 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.

2. 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.

3. 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.

4. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

5. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

**175.28 FURTHER ACTION BY THE COUNCIL.** Upon receipt of the plat, but not more than sixty days following submission of the final plat to the Clerk as stated in Section 175.22, the Council shall either approve or disapprove the final plat. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable. In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same. 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 or owner shall cause such plat to be recorded in the office of the County Recorder of Johnson County, Iowa, and shall file satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

**175.29 EROSION CONTROL PLAN.** No preliminary plat shall be approved without a final erosion control plan being submitted to and approved by the Johnson County Soil and Water Conservation District wherein any of the following disturbing activities takes place:

1. Subdivision of land in three parcels or more;
2. All site preparation involving land disturbing activities for subdivisions;
3. Individual nonresidential projects where the actual areas disturbed will be greater than ten thousand (10,000) square feet.

**175.30 DESIGN STANDARDS.** Design standards are to be used in the construction of subdivision improvements to achieve uniformity and provide for the general health, safety and welfare of the residents of the City. Plans and specifications for the construction of subdivision improvements shall be submitted to the Council for approval prior to construction, and construction shall not be started until the plans and specifications have been approved.

**175.31 INSPECTION OF IMPROVEMENTS.** The City Engineer shall cause the installation of all improvements to be inspected to insure compliance with the requirements with the applicable City ordinances. The cost of inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

**175.32 STREET WIDTHS.**

1. All street widths shall be measured from back to back of the curbs. Right-of-way widths shall be provided as follows:
  - A. Arterial streets, 80 feet;
  - B. Collector streets, 66 feet;
  - C. Local streets, 60 feet;
  - D. Cul-de-sacs, 100 feet;
  - E. Cul-de-sac entry streets, 50 feet;
  - F. Alleys, 20 feet.
2. Pavement widths shall be measured from the back of the curb to the back of the curb and shall be provided as follows:
  - A. Arterial streets, 45 feet;
  - B. Collector streets, 36 feet;
  - C. Local streets, 29 feet;
  - D. Cul-de-sacs shall be paved with a 29-foot paving for the straight section and for the bulb, the outer edge of which shall be 15 feet inside the circumference of the right-of-way. Cul-de-sacs shall not exceed 500 feet in length. A cul-de-sac shall be measured from the centerline of the street from which it commences to the center of the turnaround.

E. Alleys measured edge to edge shall be 16 feet.

**175.33 SIDEWALKS.** Specifications for sidewalks shall be as follows:

1. All sidewalks shall be four feet in width and made of Portland concrete cement.
2. The distance between the back of the curb and the outside edge of the sidewalk shall be six feet, six inches.
3. The thickness of the Portland cement sidewalk shall be four inches, except through driveway areas where it shall be six inches.
4. The elevation of the edge of the sidewalk closest to the street shall be two inches above the top of the curb. The elevation of the other edge of the sidewalk should be three inches above the curb.
5. The sidewalk shall extend across the total width of the lot in question.

**175.34 STREET GRADES.** No street grade shall be less than one-half of one percent and shall not exceed the following limits:

1. Arterial streets, eight percent;
2. Collector streets, ten percent;
3. Local streets, twelve percent.

**175.35 INTERSECTIONS.** Intersections of more than two streets at a point shall not be permitted. Intersections of street centerlines shall be between eighty degrees and one hundred degrees.

**175.36 EXTENSION OF STREETS.** New subdivisions shall make provisions for the continuation and extension of arterial and collector streets. Arterial and collector streets in a subdivision shall extend through the boundaries thereof.

**175.37 LOT POSITIONS.** Corner lots which abut on arterial and collector streets shall have a minimum radius of fifteen feet at the intersection. Lots with double frontage on front and rear shall be avoided, except in specific locations where good platting indicates their use. Sidelines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide a better street and lot layout.

**175.38 GENERAL SPECIFICATIONS.**

1. Jobs of less than one hundred twenty-five feet shall be avoided.
2. No dead-end streets and alleys will be permitted except at subdivision boundaries on undeveloped areas.

3. The length of blocks shall not be less than four hundred feet and not more than two thousand feet. The width of the block shall be sufficient to permit two tiers of lots, but in no case shall the width be less than two hundred twenty feet.
4. Crosswalks may be required in blocks over eight hundred feet long or in areas where curved streets require excessive out of distance travel. If required, they shall be constructed by the developer and dedicated to the City.
5. Alleys shall be discouraged in residential districts, but shall be provided in commercial and industrial districts unless an alternate plan for service area is provided.
6. A Portland concrete sidewalk shall be provided and must meet all City specifications as set out above.
7. An iron rod not less than five-eighths inch in diameter and thirty inches in length shall be placed as follows: on all corners and angle points on property lines.
8. The developer shall, as part of his or her duty to dispose of the storm water, reconnect any and all field drainage tile that the subdivider encounters in placing improvements in the subdivision. In no event shall the subdivider create undue hardships on the adjoining property owners by blocking the tile, but instead shall have a duty to continue the proper drainage of the underground water.

**175.39 WATER SUPPLY SYSTEM.** The subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves and all other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide for a water connection for each lot, and shall be connected to the municipal water system when installed and when it meets all City specifications.

**175.40 SANITARY SEWER SYSTEM.** The subdivider shall provide the subdivision with a complete sanitary sewer system including stubs for each lot which shall connect with the sanitary sewer outlet approved by the City Engineer. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property. In the event the City requires a sewer system which is greater than is needed to service the subdivision itself, the City shall pay on a pro rata basis for the excess cost over that which is necessary to service the subdivision itself. Other subdivisions which connect with the systems shall on a pro rata basis reimburse the City for the costs of the additional system, which shall service that subdivision and meet all City specifications. It shall be in the City's sole discretion to decide when a sewer system which is required to be installed is greater than is necessary to service the subdivision itself.

**175.41 DRAINAGE SYSTEM.** The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties and meet City specifications.

**175.42 DISPOSAL OF DRAINAGE WATER.** It is not intended that the City pay for the excess cost when the subdivider is required under Iowa Civil Law Rule to dispose of the natural drainage as between adjoining lands, as this will still be a requirement of the subdivider to make sure that the subdivision properly disposes all drainage water, at no cost to the City.

**175.43 INSTALLATION OF UTILITY LINES AND FACILITIES.** The subdivider shall provide for the installation of electric distribution lines, street lights, gas mains, telephone lines and other facilities in any new subdivision as are needed, before final approval shall be given to the final plat. The subdivider shall be responsible for making the necessary monetary arrangements to provide for such utilities as are needed and, in addition, shall provide for underground facilities in residential subdivisions and commercial subdivisions with each utility company. In providing for the utility transmission lines, the subdivider shall make sure that adequate connections are provided to each subdivision lot of utilities as needed.

**175.44 STREET LIGHTS.** The subdivider shall submit proposed street light placements for the Council's approval. The subdivider in providing for street lights shall be required to have the utility furnish a standard wooden pole, only, and in the event the subdivider desires anything else, then they shall have the privilege of paying for the additional costs incurred.

**175.45 PROVISION OF EASEMENTS FOR UTILITIES.** The subdivider shall provide all necessary easements in the subdivision for placement of all utilities including street lights, and will submit to the City at the time the final subdivider's agreement is presented, all proposed easements for use in the subdivision.

**175.46 REVIEW OF EASEMENTS BY UTILITIES REQUIRED.** As a condition of the approval of the final plat by the City, the preliminary and final subdivision plat shall be presented to the designated representatives of the utility companies serving this subdivision area for the purpose of review and concurrence that sufficient easements have been obtained and shown on the final plat to accommodate placement of their particular utility service lines.

**175.47 UTILITY LINE LOCATION APPROVAL REQUIRED.** All proposed utility line locations in public rights-of-way or municipal easements

shall be reviewed by the City for the purpose of avoiding location, topographic, or other conflicts. In no case shall the permanent utility lines or appurtenances be constructed prior to authorization and approval of the final plat by the City.

**175.48 MINIMUM FIRST-FLOOR ELEVATION.** The minimum first-floor elevation shall be established by providing a slope of two percent from top of curb of the frontage street pavement to the required building setback point. If frontage street pavement does not have a curb the minimum first-floor elevation shall be established by providing a slope of two percent from a point six inches above the edge of existing frontage pavement to the required building setback point.

**175.49 FINAL APPROVAL PREREQUISITE FOR BUILDING PERMIT.** No building permit shall be issued for any lot in a subdivision which has received final approval under this chapter, wherein the improvements with the exception of sidewalks have not been installed, and there is on record an agreement between the developer and the City that no permit shall be issued without compliance with the improvement requirements of this chapter. No more than two building permits for each separate tract existing at the time of the effective date of the ordinance codified in this chapter shall be issued unless the tract has been platted in accordance with the regulations of this chapter except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions already existing on the tract.

**175.50 VARIANCES.** Where in the case of a particularly proposed subdivision or plat thereof, it can be shown that strict compliance with the requirements 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 prohibiting the achievement of the objectives of these regulations, the Commission may vary, modify, or waive general requirements so that substantial justice may be done and the public interest secured; provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. The Planning and Zoning Commission may waive the requirements of the filing of a preliminary plat to allow the submission by the Council, provided that the final plat shall contain all the requirements of both the preliminary application and a final plat. However, in no case shall any such variance or modification be in conflict with the Zoning Code or zoning map of the City. In all cases of a variance, modification, or waiver of a general requirement, it will be necessary to have the Council approve the same and note this 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 Planning and Zoning Commission refused to do so.

**175.51 MAINTENANCE BONDS.** Maintenance bonds shall be posted with the City by the subdivider at the subdivider's cost for improvements required under this chapter for the following time periods and improvements:

Streets and alleys	5 years
Storm sewer, drainage and detention	5 years
Concrete pavement	5 years
Asphalt overlays	2 years
Sidewalks	2 years
Curb and gutter	2 years
Water facilities	2 years
Sanitary sewer facilities	2 years
All other underground utilities	2 years

**175.52 MAXIMUM UNITS WITHIN SINGLE ACCESS DEVELOPMENT.**

A single access development shall be limited to a maximum of 65 residential units of housing for single-family developments. Duplexes and zero lot line units are equal to two units. A development with more than 225 residential units shall be required to have three access points in and out of the subdivision.