

ZONING AND SUBDIVISION

TABLE OF CONTENTS

CHAPTER 165 - ZONING REGULATIONS.....	561
CHAPTER 170 - SUBDIVISION REGULATIONS.....	653

CHAPTER 165

ZONING REGULATIONS

165.01 Short Title	165.12 R-3 Multi-Family Residential District
165.02 Purpose	165.13 C-1 Commercial District
165.03 Definitions	165.14 I-1 Industrial District
165.04 Official Zoning Map	165.15 P-1 Public District
165.05 Amendments	165.16 Off-Street Parking and Loading
165.06 General Zoning Regulations	165.17 Administration
165.07 Zoning Districts Established	165.18 Conformance
165.08 A-1 Agricultural District	165.19 Board of Adjustment
165.09 R-E Residential Estate District	165.20 Variances
165.10 R-1 Single-Family Residential District	165.21 Special Use Permits
165.11 R-2 Two-Family Residential District	

165.01 SHORT TITLE. This chapter shall be known and cited as “The Zoning Ordinance of the City of Kelley, Iowa.”

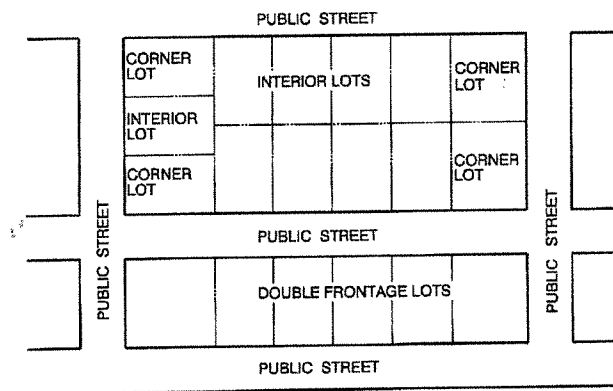
165.02 PURPOSE. The purpose of this chapter is to promote the health, morals, safety and general welfare of the City, pursuant to the police powers of the City, so as to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to regulate the use of land in and around the City.

165.03 DEFINITIONS. For the purpose of this chapter, the following words are defined.

1. “Accessory use” or “accessory structure” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel and serving a purpose customarily incidental to the use of the principal building or use of the land.
2. “Agricultural use” means the use of land for growing crops, including farming, pasture, agriculture and horticulture, and the necessary uses for packing, treating or storing the produce, excepting grain storage and drying facilities and the raising of farm animals, including dairying, animal and poultry husbandry, and feed lots.
3. “Alley” means any public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.
4. “Board” means the Board of Adjustment of the City.
5. “Boarding home” means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for not more than three persons.
6. “Building” means any structure having a roof supported by walls or columns designed or built for the enclosure, shelter or housing of persons, animals or property.
7. “Building, height of” means the vertical distance from the average ground level grade of the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest gable of a pitch or hip roof.

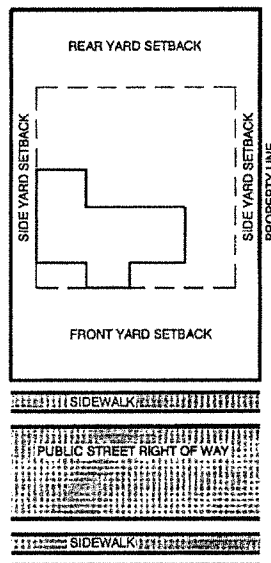
8. "Building line" means the outer boundary of a building established by the location of its exterior roof or walls or any projections other than steps, unenclosed balconies or decks.
9. "Cemetery" means land intended and used for the burial of the human dead, including columbarium, crematories, mausoleums and mortuaries within the boundaries of said cemetery.
10. "Childcare center" means any facility which provides care, supervision or guidance for seven or more children by a person other than the parent, guardian or relative, for periods of two hours or more and less than 24 hours per day per child on a regular basis in a place other than the child's home or an accredited public or private school.
11. "Clinic, medical or dental" means a building or buildings in which physicians, dentists, or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.
12. "Comprehensive plan" means a plan intended to guide future growth in the City, consisting of factual base information, determinations of future needs, and goals and objectives, intended to be implemented through the provisions of this chapter and other ordinances of the City; prepared by the Planning and Zoning Commission and adopted by the Council in accordance with Chapter 414 of the *Code of Iowa*.
13. "District" means a geographical portion of the City, within which certain provisions of this chapter are uniformly applied.
14. "Dwelling" means any building or portion thereof which is designed for and used exclusively for residential purposes, but not including a tent, cabin, trailer, mobile home, motor home, boarding house or recreational vehicle.
15. "Dwelling, single-family" means a dwelling designed for and occupied exclusively by one family.
16. "Dwelling, two-family" means a dwelling designed for and occupied by two families only, with separate housekeeping and cooking facilities for each family.
17. "Dwelling, multi-family" means a dwelling designed for and occupied by three or more families, with separate housekeeping and cooking facilities for each family.
18. "Family" means one or more persons related by blood, marriage, adoption or legal guardianship occupying a dwelling unit and living as a single household or housekeeping unit, or a group of not more than three persons unrelated by blood, marriage, adoption, or legal guardianship living as a single household or housekeeping unit.
19. "Family home" means a community-based residential home licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, habitation services, and supervision in a family environment exclusively for not more than 8 persons with a development disability or brain injury and any necessary support personnel. "Group home" does not include individual foster care family homes licensed under Chapter 237 of the *Code of Iowa*.
20. "Frontage" means all the property on one side of a street between two lot lines intersecting the street measured along the line of the street.

21. "Garage, private" means an accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles to be stored may be a commercial vehicle of not more than two-ton capacity.
22. "Home occupation" means a professional or business activity which results in a product or service and is carried out or conducted for gain by the resident as an accessory use on the resident's premises.
23. "Loading space" means a space within the main building or on the same lot providing for the standing, loading or unloading of merchandise or material from commercial vehicles.
24. "Lot" means a parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings, officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
25. "Lot, corner" means a lot abutting upon two or more streets at their intersection.
26. "Lot, depth of" means the horizontal line between the front lot line and the rear lot line.
27. "Lot, double frontage" means a lot abutting upon two streets between the front and rear lot lines.
28. "Lot, interior" means any lot other than a corner or double frontage lot.
29. "Lot width" means the width of a lot measured at the building line and at right angles to its depth.
- 30.



31. "Parking space" means a granular or paved surfaced area, maintained in a dust-free manner, enclosed in the main building or in an accessory building, or unenclosed, permanently reserved for the temporary storage of one vehicle connected to a street by a surfaced driveway which affords satisfactory ingress and egress for vehicles.
32. "Principal use" means the main use of land or structure as distinguished from an accessory use.

33. "Setback line" means the minimum distance required between a building line and the front, side or rear property line of the lot on which the building is located.



34. "Story" means the portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

35. "Story, half" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

36. "Street" means a public or private thoroughfare, which affords the principal means of access to abutting property.

37. "Structural alterations" means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.

38. "Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground, including but not limited to buildings, walls, fences, signs and billboards.

39. "Yard" means an open space on the same lot with a building and unobstructed by a portion of a structure from the ground upward, except as otherwise provided herein.

40. "Yard, front" means a yard extending across the side of the lot facing the street and being the minimum horizontal distance between the lot line on that side and the setback. Corner lots shall have two front yards.

41. "Yard, rear" means a yard extending across the side of the lot opposite the street and being the horizontal distance between the lot line on that side and the rear setback. On all lots the rear yard shall be in the rear of the front yard.

42. "Yard, side" means a yard between the main building and the side line of the lot, and extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building.
43. "Zoning Administrator" means the zoning administrator as appointed by the Council.
44. "Zoning map" means the official zoning map of the City, adopted by the provisions of this chapter together with all amendments thereto subsequently added.

165.04 OFFICIAL ZONING MAP. As shown by the Official Zoning Map, the City is divided into the classes of districts described in Section 165.07. The boundaries of those districts, as shown on the Official Zoning Map, are hereby established and all references and information shown thereon are hereby made a part of this chapter by reference. The Official Zoning Map shall be on file in the office of the Clerk and shall be final authority as to the current zoning status of the land, water areas, buildings and other structures in the City.

1. Changes in Map. Any amendments, supplements, modifications, or other changes to the boundaries of the districts described in this chapter and as shown on the Official Zoning Map shall be made only by an ordinance amending the Zoning Ordinance, and pursuant to State law concerning notice, public hearings and other requirements.[†]
2. Interpretation of Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.
 - A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as approximately following City limits shall be construed as following City limit lines.
 - D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks; boundaries indicated as following railroad right-of-way lines shall be construed as following such right-of-way lines.
 - E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F herein shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

165.05 AMENDMENTS.

1. Authorization. The Council may, from time to time, on its own initiative, on petition, or on recommendation of the Planning and Zoning Commission, after public notice and hearings provided by law, and after a report by the Planning and Zoning Commission, or after 30 days' written notice to said Commission, amend, supplement or change the regulations, districts or Official Zoning Map herein or subsequently established.

[†] **EDITOR'S NOTE:** See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.

2. Petition. Whenever the owners of 50 percent or more of the area of the lots in any district or part thereof desire amendment, supplement or change in any of the provisions of this chapter applicable to such area, they may file an application with the Clerk requesting Council to make such amendment, supplement or change.
3. Application. An application shall be transmitted immediately to the Planning and Zoning Commission for an investigation and report. The Planning and Zoning Commission shall file its recommendations approving, disapproving or modifying the proposed amendment, supplement or change with the Council within 90 days thereafter. The application shall include the following:
 - A. The legal description and local address of the property.
 - B. The present zoning classification and the zoning classification requested for the property.
 - C. The existing used and proposed use of the property.
 - D. The names and addresses of the owners of record in the Office of the County Recorder and Auditor of Story County, Iowa, of all property within 200 feet of the property for which the change is requested.
 - E. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - F. A plan showing the locations, dimensions and use of the applicant's property and all property within 200 feet thereof, including streets, alleys, railroads and other physical features.
 - G. Before any action is taken upon an application as provided in this chapter, the applicant shall pay the City the sum of \$500.00 to cover the approximate costs of the procedure and the applicant shall forthwith pay this amount to the credit and the General Revenue Fund of the City. The failure to approve the change shall not be construed as a reason for refunding the fee to the applicant.
4. Protest. If a written protest against any proposed amendment, supplement or change has been filed with the Clerk, signed by the owners of 20 percent or more of the area of the lots included in the proposed amendment, supplement or change, or by the owners of 20 percent or more of the property that is located within 200 feet of the exterior boundaries of the property for which the amendment, supplement or change is proposed, such amendment, supplement or change shall not become effective except by favorable vote of at least 3/4 of all members of the Council.
5. Limitation. Whenever a petition requesting an amendment, supplement or change of any regulation prescribed by this chapter has been denied by the Council, such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least 50 percent of the property owners who previously objected to the change. This provision, however, shall not prevent Council from acting on its own initiative in any case or at any time as provided in this section.
6. Processing. Rezoning proposals referred by the Council to the Planning and Zoning Commission shall be acted upon and returned to the Council not more than 90 days thereafter unless time extensions are specifically requested by the applicant. Failure of the Planning and Zoning Commission to render a decision within the time specified will be deemed approval of the application as submitted.

165.06 GENERAL ZONING REGULATIONS.

1. **Regulations Uniformly Applied.** The regulations set by this chapter within each district shall apply uniformly to each class or kind of structure or land; and particularly, as hereinafter provided.
2. **Conformity Required.** No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
3. **Height, Density, and Yards.** No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of the lot area, or to have narrower or smaller rear yards, front yards, side yards or other open spaces, than herein required, or in any other manner contrary to the provisions of this chapter.
4. **Separate Yards, Open Space, Off-Street Parking Required.** No part of a yard or other open space, or off-street parking, or loading space required in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.
5. **Minimum Yards; Lot Areas.** No yard or lot existing at the time of the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
6. **Buildings and Structures.**
 - A. Not more than two buildings shall be permitted on any lot, tract or parcel of land until the same has been platted in accordance with the laws of the State of Iowa, and no principal building shall be permitted on any lot formed by the process of dividing a lot of record or putting together pieces or parts of platted lots of record except pursuant to a special use permit issued by the Zoning Board of Adjustment after notice mailed to all owners and occupants of land within 200 feet of the site, hearing, and finding that issuance of the permit will not contribute excessively to any adverse effect on infrastructure, City services, traffic and parking or property values. Special protective conditions may be imposed and the Board shall call for and consider the evaluation and opinions of the City's professional staff in making its decision.
 - B. No building in the rear of any principal building on the same interior lot shall be used for residence purposes, except as may be otherwise specifically provided in this chapter.
 - C. Any lot upon which a principal building is placed shall abut on – and be accessible by means of – a City street or public place with not less than 20 feet of frontage on such street or public place.
 - D. Nothing in this chapter shall prevent the restoration of any wall or other portion of a building declared unsafe by the Zoning Administrator.
7. **Home Occupations.** The regulations imposed by this section are intended to allow home occupations which by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants and surrounding property, shall not increase congestion in the public streets, and shall not diminish or impair

established property values in surrounding areas. Home occupation use may be granted and shall continue as long as the following conditions are met.

A. The use shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling or private garage, provided that not more than 50 percent of the total floor area of the private garage is used for the home occupation.

B. There is no exterior indication of the home occupation (except as permitted in Paragraph E below) or variation from the residential character of the structures.

C. There is no exterior storage or display of material or products. All materials or products utilized in conjunction with the home occupation must be stored or utilized within a completely enclosed building. Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within side or rear yard building setback areas. No more than two vehicles related to the home occupation shall be located on the property at one time. In case of vehicle repair services, only two vehicles shall be located and repaired on the property at one time and shall be located and repaired within a completely enclosed building.

D. No more than two individuals, in addition to the residents of the dwelling, shall be employed in the conduct of the home occupation.

E. Only one unlighted interior or exterior business sign, attached to the wall of the residence or garage, shall be permitted. Such sign may not exceed two square feet in area.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference, or other nuisance in violation of nuisance or noise ordinances. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.

G. Delivery of all materials in the home occupation may only take place from 7:00 a.m. to 8:00 p.m.

H. The above listed characteristics shall not be construed to restrict the sale of garden produce on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for the display of produce grown on the premises.

I. Home occupations shall be permitted as special use under the general use regulations of the zoning district. Therefore, a special use permit must first be obtained by application to the Board. The Board may grant such permit if it reasonably concludes from the evidence that the home occupation proposed will meet the standards set out. The Board may, if warranted by the evidence, impose as additional conditions such measures as may be deemed necessary to protect the legitimate use and enjoyment of neighboring properties. Any failure to obtain such permit when required, or to comply with the standards and conditions aforesaid, when issued, shall constitute a violation of this section

and shall furthermore be grounds for revocation of said permit, after notice and hearing by the Board.

J. Home occupations shall be permitted as an accessory use subject to the above requirements. If a written complaint is filed with the Zoning Administrator by a property owner within a radius of 300 feet of the property, a public hearing before the Board shall be required to determine the continuance of the home occupation.

K. Possession of the Home Occupation Permit shall rest with the property owner and not the property, and is non-transferable.

[The next page is 575]

165.07 ZONING DISTRICTS ESTABLISHED. The City is hereby divided into zoning districts designated as follows:

- A-1 Agricultural
- R-E Residential Estate
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 Multifamily Residential
- C-1 Commercial
- I-1 Industrial
- P-1 Public

165.08 A-1 AGRICULTURAL DISTRICT. The A-1 Agricultural District is intended to preserve and protect those agricultural and undeveloped lands within the City. The district encourages agricultural uses and related compatible rural uses, establishing clear boundaries for residential development and preserving land for crop production.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:
 - A. Farms, agricultural uses, orchards, nurseries, gardens, truck farming and other related uses;
 - B. Single-family detached dwellings occupied by farm owner or tenant operator with members engaged in the farm operations residing on the premises;
 - C. Quasi-public facilities and buildings, including cemeteries, public park and recreation facilities, churches, private and public schools;
 - D. Golf courses and other recreational uses or facilities that are not operated for commercial purposes;
 - E. Essential public services.
2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district: uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21.
 - A. Single-family non-farm residence;
 - B. Home occupations;
 - C. Extraction of sand, gravel, topsoil and other natural resources;
 - D. Concrete or asphalt plants for temporary use during construction, repair or maintenance of public roads or facilities;
 - E. Other uses approved by the Planning and Zoning Commission and Board of Adjustment.
4. Minimum Bulk Requirements.
 - A. Principal Structures:
 - Lot Area..... 35 acres minimum

- Lot Width..... 200 feet minimum
- Front Yard..... 50 feet minimum
- Side Yard 30 feet minimum
- Rear Yard..... 50 feet minimum
- Building Height 35 feet maximum

B. Accessory Structures:

- Front Yard..... 50 feet minimum
- Side Yard 10 feet minimum
- Rear Yard..... 10 feet minimum
- Alley 8 feet minimum
- Building Height 2½ stories or 35 feet maximum

5. Existing Farmstead. An existing farmstead may be severed from the farm for use as a single-family dwelling as a special use non-farm family dwelling. A minimum of one acre and conformance to all setback requirements shall be required.

6. Off-Street Parking. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 581]

165.09 R-E RESIDENTIAL ESTATE DISTRICT. The Residential Estate District is intended to provide single-family housing on large lots to preserve and enhance the rural character and attractiveness of the area.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:
 - A. Single-family detached dwellings;
 - B. Quasi-public facilities and buildings, including cemeteries, public park and recreation facilities, churches, and private and public schools;
 - C. Golf courses and other recreational uses or facilities that are not operated for commercial purposes;
 - D. Essential public services.

2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district:
 - A. Farms, agricultural uses, orchards, nurseries, gardens, truck farming and other related uses except livestock and fowl operations;
 - B. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21.
 - A. Home occupations;
 - B. Other uses approved by the Planning and Zoning Commission and Board;

4. Minimum Bulk Requirements.
 - A. Principal Structures:
 - Lot Area..... 25,000 square feet minimum
 - Lot Width 50 feet minimum
 - Front Yard 50 feet minimum
 - Side Yard..... 25 feet minimum
 - Rear Yard 50 feet minimum
 - Building Height..... 2½ stories or 35 feet maximum
 - Lot Coverage 40% maximum
 - B. Accessory Structures:
 - Front Yard No projection beyond principal structure
 - Side Yard..... 10 feet minimum
 - Rear Yard 10 feet minimum
 - Alley 8 feet minimum
 - Building Height 35 feet maximum
 - Building Size Total square feet of all accessory buildings no larger than total square feet of principal building

5. Off-Street Parking Requirements. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 587]

165.10 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. The Single-Family Residential District is intended to provide single-family housing and related recreational, religious and educational facilities in orderly and attractive residential areas. These areas are to be protected from encroachment of uses that are not appropriate to a residential environment.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:

- A. Single-family detached dwellings;
- B. Quasi-public facilities and buildings, including cemeteries, public park and recreation facilities, churches, and private and public schools;
- C. Golf courses and other recreational uses or facilities that are not operated for commercial purposes;
- D. Essential public services.

2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district: uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21.

- A. Home occupations;
- B. Group or family homes;
- C. Child care centers;
- D. Other uses approved by the Planning and Zoning Commission and Board of Adjustment.

4. Minimum Bulk Requirements.

A. Principal Structures:

- Lot Area..... 8,000 square feet minimum
- Lot Width 35 feet minimum
- Front Yard 25 feet minimum
- Side Yard..... 8 feet minimum
- Rear Yard 20 feet minimum
- Building Height 2½ stories or 35 feet maximum
- Lot Coverage 50% maximum

B. Accessory Structures.

- Front Yard No projection beyond principal structure
- Side Yard..... 3 feet minimum
- Rear Yard 3 feet minimum
- Alley 8 feet minimum
- Building Height No more than height of principal building
- Building Size Total square feet of all accessory buildings no larger than total square feet of principal building

5. Off-Street Parking Requirements. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 593]

165.11 R-2 TWO-FAMILY RESIDENTIAL DISTRICT. The Two-Family Residential District is intended to provide single-family and two-family housing and related recreational, religious and educational facilities in orderly and attractive residential areas. These areas are to be protected from encroachment of uses that are not appropriate to a residential environment.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:

- A. Single-family detached dwellings;
- B. Two-family dwellings;
- C. Quasi-public facilities and buildings, including cemeteries, public park and recreation facilities, churches, and private and public schools;
- D. Golf courses and other recreational uses or facilities that are not operated for commercial purposes;
- E. Essential public services.

2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district: uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21.

- A. Home occupations;
- B. Group or family homes;
- C. Child care center;
- D. Other uses approved by the Planning and Zoning Commission and Board.

4. Minimum Bulk Requirements.

- A. Principal Structures:
 - Lot Area..... 10,000 square feet minimum
 - Lot Width 50 feet minimum
 - Front Yard 25 feet minimum
 - Side Yard..... 8 feet minimum
 - Rear Yard 20 feet minimum
 - Building Height 2½ stories or 35 feet maximum
 - Lot Coverage 60% maximum
- B. Accessory Structures:
 - Front Yard No projection beyond principal structure
 - Side Yard..... 3 feet minimum
 - Rear Yard 3 feet minimum
 - Alley 8 feet minimum
 - Building Height No more than height of principal building
 - Building Size Total square feet of all accessory buildings no larger than total square feet of principal building

5. Off-Street Parking Requirements. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 599]

165.12 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT. The Multi-Family Residential District is intended to provide higher density attached single-family or multi-family housing and related recreational, religious and educational facilities in orderly and attractive residential areas. These areas are to be protected from encroachment of uses that are not appropriate to a residential environment.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:

- A. Two-family dwellings;
- B. Single-family attached dwellings;
- C. Multi-family dwellings;
- D. Group or family homes;
- E. Quasi-public facilities and buildings, including cemeteries, public park and recreation facilities, churches, private and public schools;
- F. Golf courses and other recreational uses or facilities that are commonly operated on a non-profit basis;
- G. Essential public services.

2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district: uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21.

- A. Home occupations;
- B. Nursing homes or elderly housing;
- C. Boarding and lodging homes;
- D. Funeral homes;
- E. Child care center;
- F. Other uses approved by the Planning and Zoning Commission and Board.

4. Minimum Bulk Requirements.

A. Principal Structures:

- Lot Area..... 10,000 square feet minimum for two units;
2,000 square feet minimum per each
additional unit
- Lot Width 50 feet minimum
- Front Yard 25 feet minimum
- Side Yard..... 10 feet minimum
- Rear Yard 20 feet minimum
- Building Height 3 stories or 40 feet maximum
- Lot Coverage 75 percent maximum

B. Accessory Structures:

- Front Yard.....No projection beyond original structure
- Side Yard 3 feet minimum
- Rear Yard..... 3 feet minimum
- Alley 8 feet minimum
- Building Height 1 story or 20 feet maximum
- Building Size Total square feet of all accessory buildings
no larger than one-half total square feet of
principal building

5. Off-Street Parking Requirements. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 605]

165.13 C-1 COMMERCIAL DISTRICT. The Commercial District is intended to provide general retail, professional office and service uses for the needs, convenience and benefit to the area.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:

- Retail stores and businesses;
- Professional office buildings, medical and dental day care centers, and other similar types of uses;
- Business services such as banks, insurance and real estate offices, and other similar types of uses;
- Equipment sales, service shops and similar types of uses;
- Personal services and repair shops;
- Restaurants, cafes, taverns and liquor stores;
- Motels and hotels;
- Group or family homes;
- Nursing homes or elderly housing;
- Boarding and lodging homes;
- Funeral homes;
- Childcare centers;
- Multi-family residential dwellings;
- Churches and private clubs or lodges;
- Essential public services.

2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district: uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21: other uses approved by the Planning and Zoning Commission and Board.

4. Minimum Bulk Requirements.

A. Principal Structures:

- Lot Area..... None
- Lot Width None
- Front Yard None
- Side Yard..... None; 8 feet when adjoining a residential zone
- Rear Yard None; 10 feet when adjoining a residential zone
- Building Height 3 stories or 40 feet maximum

B. Accessory Structures:

- Front Yard No projection beyond original structure
- Side Yard..... None; 3 feet when adjacent to residential zone
- Rear Yard None; 3 feet when adjacent to residential zone
- Alley 8 feet minimum
- Building Height 1 story or 20 feet maximum.
- Building Size None

5. Off-Street Parking Requirements. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 611]

165.14 I-1 INDUSTRIAL DISTRICT. The Industrial District is intended to provide general industrial and warehousing uses with minimal impact to adjacent properties.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:

- A. Manufacturing, assembling, compounding, packaging, processing, storage, or treatment of raw materials that create no offensive impacts with excessive noise, dust, odor, vibration or other interferences;
- B. Wholesaling, warehousing and storage uses within an enclosed building except for storage of anhydrous ammonia or petroleum products under pressure;
- C. Contractor or fabrication shops;
- D. Truck and freight operations;
- E. Lumber yards and building materials sales, fabrication and storage;
- F. Automotive sales and repair uses;
- G. Large equipment sales and repair uses;
- H. Essential public services;
- I. Uses specifically permitted in the Commercial District.

2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district: uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21.

- A. Telecommunication towers or structures;
- B. Sale or storage of fuels and chemicals;
- C. Storage of salvage or non-operative vehicles;
- D. Outdoor storage of materials or equipment permitted if enclosed by 8-foot screen to block visual access;
- E. Other uses approved by the Planning and Zoning Commission and Board.

4. Minimum Bulk Requirements.

- A. Principal Structures:
 - B. Lot Area..... None
 - Lot Width 50 feet
 - Front Yard 30 feet
 - Side Yard..... 10 feet
 - Rear Yard 30 feet
 - Building Height..... 100 feet maximum
- C. Accessory Structures:
 - Front Yard No projection beyond principal structure
 - Side Yard..... None; 3 feet when adjacent to residential zone

Rear Yard..... None; 3 feet when adjacent to residential zone
Alley 8 feet minimum
Building Height 1 story or 20 feet maximum
Building Size None

5. Off-Street Parking Requirements. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 617]

165.15 P-1 PUBLIC DISTRICT. The Public District is intended to provide areas for general public facilities and services owned or operated by government agencies, school districts or other public agencies.

1. Permitted Principal Uses and Structures. The following principal uses and structures are permitted in this district:

A. Public facilities and buildings, including public park and recreation facilities, community centers, and other publicly owned properties;

B. Essential public services.

2. Permitted Accessory Uses and Structures. The following accessory uses and structures are permitted in this district: uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

3. Special Uses. The following special uses may be permitted in this district by obtaining a special use permit in accordance with Section 165.21: other uses approved by the Planning and Zoning Commission and Board.

4. Minimum Bulk Requirements.

A. Principal Structures:

- Lot Area..... None
- Lot Width None
- Front Yard 3 feet
- Side Yard..... 3 feet
- Rear Yard 3 feet
- Building Height 35 feet maximum

B. Accessory Structures:

- Front Yard No projection beyond principal structure
- Side Yard..... 3 feet
- Rear Yard 3 feet
- Building Height 1 story or 20 feet maximum
- Building Size None

5. Off-Street Parking Requirements. Parking spaces shall be provided in accordance with Section 165.16.

[The next page is 623]

165.16 OFF-STREET PARKING AND LOADING. All off-street parking spaces shall be maintained in satisfactory condition by the property owner for each building or use within any district. Adequate space for receipt or distribution of materials or merchandise by vehicles shall also be provided and maintained in satisfactory condition to avoid interference with public use of adjacent streets or alleys.

1. Minimum parking requirements are as follows:

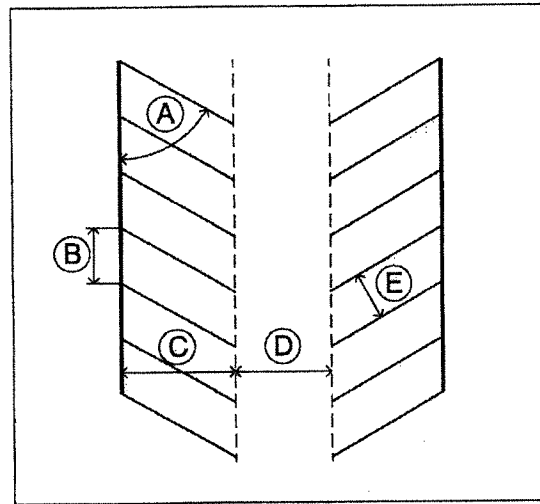
Use	Parking Spaces Required
Automobile or equipment sales and service	1 space/500 gross square feet
Churches	1 space/4 seats
Convenience stores	1 space/200 gross square feet
Funeral home	1 space/100 gross square feet
Hotel/motel	1 space/room plus 1 space/200 gross square feet of bar/restaurant areas
Group homes or nursing homes	1 space/2 beds plus 1 space/2 employees of largest shift
Industrial, manufacturing	1 space/500 gross square feet plus 1 space/company vehicle
Office, general	1 space/250 gross square feet
Recreation, building facility	1 space/200 gross square feet
Recreation, golf course or driving range	3 spaces/tee
Residence, multi-family dwelling	1 space/bedroom
Residence, single family dwelling	2 spaces
Residence, two family dwelling	2 spaces/unit
Restaurant, fast food	12 spaces/1,000 gross square feet dining area
Restaurant, sit-down	9 spaces/1,000 gross square feet
Retail, furniture, appliance or display	1 space/500 gross square feet
Retail, general trade	1 space/200 gross square feet
School, elementary	2 spaces/classroom
School, secondary	1 space/2 students
Wholesale trade	1 space/500 gross square feet

2. Other Parking Requirements. Any building, structure, premises or use not specifically mentioned in this section shall have parking requirements applied from a similar use as listed above.

3. Accessible Parking. Parking spaces accessible for persons with disabilities shall be required for new construction projects where parking is provided for employees, visitors, or residents in accordance with the standards set forth below. Where required parking for residential uses exceeds six spaces, one accessible parking space shall be provided. Accessible spaces required may be counted toward the total number of spaces required in 165.16(1), Off Street Parking and Loading.

<u>Total Parking Spaces</u>	<u>Accessible Parking Spaces Required</u>
10 – 25 Spaces	1 Space
26 – 50 Spaces	2 Spaces
51 – 75 Spaces	3 Spaces
76 – 100 Spaces	4 Spaces

4. **Parking Dimensions.** Parking spaces and vehicle aisle dimensions are required as follows:



Parking Angle in Degrees (A)	0°	30°	45°	60°	90°
Curb Length per Space (B)	N/A	18.0 feet	12.7 feet	10.4 feet	19.0 feet
Space Depth (C)	9.0 feet	17.3 feet	19.8 feet	21.0 feet	19.0 feet
Access Aisle Width (D)	12.0 feet	12.0 feet	13.0 feet	18.0 feet	24.0 feet
Space Width (E)	9.0 feet	9.0 feet	9.0 feet	9.0 feet	9.0 feet

5. **Additional Parking Regulations.** As used in this subsection, “vehicle” includes (but it not limited to) motorized vehicles, travel trailers, camping trailers and boats. †

A. No person shall park, store or permit the parking or storage of any vehicle in the front yard of a one- or two-family dwelling for more than 48 consecutive hours except on a driveway.

B. No person shall park, store or permit the parking or storage of more than two vehicles in the combined side and rear yards of a one- or two-family dwelling unless such parking or storage is in an enclosed building or garage, or in an area surfaced with crushed rock, asphalt, concrete or similar surface designed and maintained to prevent muddy conditions, erosion, the flow of water onto adjoining property, and weed growth.

C. No one- or two-family dwelling with a one- or two-car garage shall have more than 25 percent of the front yard used for driveway parking purposes. However, this restriction shall not prohibit the construction of a 20-foot-wide driveway. One- and two-family dwellings that have a three-car or larger garage shall be subject to the discretion of the Zoning Administrator.

D. No vehicle parked in any required yard shall obstruct a public sidewalk. If no public sidewalk exists, then no such vehicle shall be parked closer than five feet to the street right-of-way. In addition, no recreational vehicle shall be parked within 30 feet of the lot line intersection for a corner lot. Recreational vehicles include bus campers, camper trailers, pickup campers, travel trails, motor homes, snowmobiles, boats and the like.

† **EDITOR’S NOTE:** See also Section 50.02(13) specifically restricting outside parking and storage which creates a public nuisance.

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[The next page is 631]

165.17 ADMINISTRATION.

1. **Permits.** No building shall be erected, moved, converted, enlarged, reconstructed or structurally altered without a permit from the City to do so. Such permits shall require conformance with the provisions of this chapter and in the case of a building for use as a dwelling, conformance with the City's housing standards. Such permits shall be issued upon application therefor by the builder or owner.
2. **Fees.** Fees are required for review and approval of site plans and issuance of a building permit. All fees required shall be paid to the Clerk. Failure to approve any request made in an application, petition or appeal shall not be cause to refund the fee. The fees include the cost of one review of the site plan and one inspection of the building site. If any further reviews or inspections are required, those costs will be the responsibility of the permit applicant. Unless otherwise provided, a filing fee shall accompany all applications, petitions, or appeals. All fees shall be established by resolution of the Council. If work commences without a permit, the fee for the permit shall be doubled.
3. **Deposits.** All building permits shall be accompanied by a deposit check, payable to the City, and equal to the amount of the permit fee. The Clerk will retain all deposits until satisfactory project completion. Forfeiture of the deposit will occur if all City codes, ordinances and rules are not properly followed as determined by the Zoning Administrator.
4. **Zoning Administrator.** The Zoning Administrator shall serve as a clerk for the Planning and Zoning Commission and for the Board of Adjustment. The Zoning Administrator's responsibilities shall be reviewing the building applications and permits and reporting the Commission's recommendations and the Board's findings to the Council.
5. **Building Inspector.** The Building Inspector hired by the City shall be responsible for determining if the builder is following the Code, ordinances and rules; determining whether the application complies with City zoning and other laws; enforcing the provisions of the zoning code, and conducting final home inspections before the issuance of occupancy permits.
6. **Clerk.** The Clerk shall be responsible for providing applications to citizens upon request; reviewing the applications to ensure they are complete; and processing and submitting the forms to the proper party.
7. **Certificate of Occupancy.** No building shall be used or occupied until a Certificate of Occupancy has been issued. The certificate will be issued only after the Building Inspector has conducted a final inspection, found that all City zoning laws and requirements have been met, and has received all required inspection approvals from the Building Inspector. The Building Inspector shall sign the Certificate of Occupancy to certify that all necessary construction is complete.
8. **Enforcement.** The Building Inspector shall enforce the provisions of this chapter.

165.18 CONFORMANCE.

1. Nonconforming Uses of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the provisions of this chapter may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied when such use became nonconforming under the provisions of this chapter.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel, which was not occupied by such use when it became nonconforming under the provisions of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of six months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

2. Nonconforming Uses of Structures. The lawful use of a structure, or of a structure and land in combination, which becomes nonconforming under the provisions of this chapter may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the Board, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

B. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

C. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.

3. Nonconforming Structures. Where a structure becomes nonconforming by reason of restriction on area, lot coverage, height, yards, or other characteristic of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way, which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of 60 percent of its assessed value, it may be reconstructed, provided that it is not

enlarged, the nonconformity is not increased and there is no nonconforming use of land involved.

C. Should such structure be destroyed by any means to an extent of 60 percent or more of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

4. Required Repairs for Nonconforming Buildings. Nothing in this chapter shall be deemed to prevent the restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, provided that no structural enlargement, extension, alteration, or change shall be made which will increase the degree of nonconformity of such building.

5. Nonconforming Lots. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established for that district by this chapter, the land involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used which does not meet lot width and area requirements established for that district by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

165.19 BOARD OF ADJUSTMENT.

1. Board of Adjustment Created. A Board of Adjustment is created which shall be composed of five residents of the City. Members shall not hold any other elected or appointed position in the City. The members shall be appointed by the Council for staggered terms of five years. Any vacancy occurring on the Board caused by resignation or otherwise shall be filled by appointment of the Council for the unexpired term. Each member of the Board shall serve without compensation, except for documented out-of-pocket expenses, which shall be subject to the approval of the Council. The Board shall elect a Chairperson from its membership, and shall elect a Secretary.

2. Meetings. The meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. A meeting shall be held in January of each year to elect officers and review administrative rules. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or it absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Clerk's office and shall be a public record. The presence of three members shall be necessary to constitute a quorum. The concurring vote of three members of the Board is necessary.

3. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator or of any other administrative officer in the enforcement of this chapter or of the zoning laws of the State of Iowa. Such appeal shall be taken within ten days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator and any other officer whose decision is the subject of the appeal shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. The Board shall fix a reasonable time for the hearing on the appeal, give at least ten days' public notice

thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent, or by attorney.

4. Powers. The Board has the full power to do the following:
 - A. Grant variances as provided by the laws of the State and this Code of Ordinances.
 - B. Hear appeals of decisions of the Zoning Administrator as provided in Subsection 3.
 - C. Issue special use permits for otherwise prohibited uses where deemed necessary for the protection, health, safety or general welfare of the City, upon such conditions and restrictions as the Board finds appropriate.

165.20 VARIANCES. A variance may be granted when a property owner shows that a strict application of the terms of this chapter imposes practical difficulties or hardships in the use, construction or alteration of property. The Board shall be permitted to approve, approve with conditions or deny a request for a variance.

1. Application for Variance. A request for a variance may be initiated by a property owner or his/her authorized agent by filing an application with the Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and such other plans and data showing the dimensions, arrangements, descriptive data and other materials constituting a record essential to an understanding of the proposed use or proposed modification in relation to the standards set forth herein. The application shall also be accompanied with a fee as set forth in Section 165.17.
2. Board. The Board shall consider the application at a public hearing conducted as part of a meeting called by the Chairperson. The Board shall approve, deny or modify the application within seven days of the public hearing.
3. Variance Review Standards. The Board may grant a variance only if the applicant has proven that, owing to special conditions of the particular situation, literal enforcement of the Zoning Code would create an unnecessary hardship. The burden of proof rests with the applicant. A finding of hardship can only be supported upon demonstration by the applicant and a finding by the Board that the following standards have been met:
 - A. The variance will not be contrary to the public interest.
 - B. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.
 - C. The plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood.
 - D. The use to be authorized by the variance will not alter the essential character of the locality.
 - E. The variance shall not violate the spirit of the Zoning Code.
 - F. The variance shall do substantial justice.
4. Decisions. The concurring vote of a majority of members of the Board shall be necessary to grant a variance. No order of the Board granting a variance shall be valid for a period longer than six months from the date of such order, unless the Board

specially grants a longer period of time or a building permit is obtained within the six-month period and construction is commenced.

165.21 SPECIAL USE PERMITS. Allowable special uses may be permitted, enlarged or altered upon application for a special use permit in accordance with the rules and procedures of the Board. The Board will grant or deny a special use permit in accordance with the standards set forth herein and the intent and purposes of this chapter. In granting special use permits, the Board will authorize the issuance of a special use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance for the special use permit. Special use permits are not transferable.

1. **Application for Special Use Permit.** A request for a special use permit for a special use or modification for a special use may be initiated by a property owner or their authorized agent by filing an application with the Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and such other plans and data showing the dimensions, arrangements, descriptive data and other materials constituting a record essential to an understanding of the proposed use or proposed modification in relation to the standards set forth herein. The application shall also be accompanied with a fee as set forth in Section 165.17.

2. **Planning and Zoning Commission Meeting.** The application, along with all required data, shall be transmitted to the Planning and Zoning Commission for review and recommendation. Such review by the Commission shall not be concluded until consideration is given to comments at a public hearing that may be part of a regularly scheduled meeting. Within 30 days of the hearing, the Planning and Zoning Commission shall submit a written recommendation to the Board setting forth the reasons for its recommendation of acceptance, denial or modification of the application.

3. **Board.** After the transmittal of the recommendation from the Planning and Zoning Commission, the Board shall consider the application at a public hearing conducted as part of a meeting called by the Chairperson. The Board must approve, deny or modify the Special Use Permit application within 60 days of the public hearing.

4. **Standards.** In considering all appeals and all proposed special use permits to this chapter, the Board shall, before making any exceptions or variations from the Zoning Code in a specific case, first determine that the following standards are met:

A. It will not impair the essential character or use and enjoyment of other properties in the area for any use permitted in that district.

B. It will not impair an adequate supply of light or air to adjacent properties.

C. It will not unreasonably increase congestion in public streets or increase the danger of fire or endanger public safety.

D. It will not unreasonably diminish or impair established property values within the surrounding area.

E. It will be consistent with the intent and purpose of the district in which it is located.

F. It will not in any other respect impair the public health, safety, comfort or welfare of residents.

5. **Decisions.** The concurring vote of a majority of members of the Board shall be necessary to grant a special use permit. No order of the Board granting special use

permit shall be valid for a period longer than six months from the date of such order, unless the Board specially grants a longer period of time or a building permit is obtained within the six-month period and construction is commenced.

EDITOR'S NOTE			
<p>The following ordinances have been adopted amending the Official Zoning Map described in Section 165.04 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.</p>			
ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
133	June 12, 2001		
138	April 8, 2003		
04-0151	December 14, 2004		

[The next page is 653]

CHAPTER 170

SUBDIVISION REGULATIONS

170.01 Short Title	170.10 Subdivision Design Standards
170.02 Purpose	170.11 Streets and Rights-of-Way
170.03 Jurisdiction	170.12 Required Improvements
170.04 Definitions	170.13 Fees
170.05 Sketch Plat	170.14 Variations and Exceptions
170.06 Preliminary Plat	170.15 Enforcement
170.07 Final Plat	170.16 Changes and Amendments
170.08 Recording of Final Plat	170.17 Validity
170.09 Bond Requirements	

170.01 SHORT TITLE. This chapter shall be known and may be cited as the Subdivision Ordinance for the City of Kelley, Iowa.

170.02 PURPOSE. The purpose of this chapter is to provide for the orderly development of the City and adjacent land by establishing appropriate standards for the design and development of streets, blocks, lots, utilities and other improvements by promoting coordination with existing development, establishing procedures and conditions for approval of subdivisions of land, providing for the enforcement and penalties for the violation thereof, and promoting the health, safety, and general welfare of the community.

170.03 JURISDICTION. This chapter is adopted by the City, governing the subdivision of all lands within the corporate limits of the City and, pursuant to Section 354.9 of the *Code of Iowa*, within two miles adjacent to said corporate limits as governed by the laws of the State. All plats, re-plats or subdivisions of land shall be submitted in accordance with the provisions of this chapter.

170.04 DEFINITIONS. For the purpose of this chapter, certain words are hereby defined.

1. "Alley" means any public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.
2. "As-built plans" means plans for public improvements that have been revised to record the construction as actually completed and to record any changes in the construction from the approved design plans.
3. "Block" means an area of land within a subdivision that is entirely bounded by streets, highways, parks, railroad or similar fixed land division and/or the exterior boundaries of the subdivision.
4. "Bond, maintenance" means a surety bond on terms approved by the City Attorney, or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the City staff and Council, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements shall be kept in good repair from the time of acceptance by the City of said improvements for such period of time as is specified by this chapter.

5. "Bond, performance" means any surety bond or cash deposit posted by a contractor made out to the City in an amount equal to the full cost of the improvements. The bond amount shall be that of the contract price, said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with the terms of the contract documents or improvement agreement.
6. "Building line" means the outer boundary of a building established by the location of its exterior roof or walls or any projections other than steps, unenclosed balconies, or decks.
7. "Commission" means the Planning and Zoning Commission of the City.
8. "Cul-de-sac" means a short, minor street having one end open to motor traffic and the other end permanently terminated by a vehicular turnaround.
9. "Improvement agreement" means a written agreement signed by the subdivider and authorized agents of the City where the subdivider agrees to undertake performance of those obligations imposed by this chapter, or agrees to undertake additional public facility improvements in exchange for such consideration of development rights as may be contained in the agreement. An agreement is to be entered into after approval of the preliminary plat in the event that improvements set forth therein will not be completed before submission of the final plat.
10. "Easement" means a grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the right of the grantee. Public utilities shall have the right to trim or remove trees, which interfere with the use of such easements.
11. "Engineer" means a Registered Professional Engineer authorized to practice civil engineering as defined by the laws of the State.
12. "Land surveyor" means a registered Professional Land Surveyor authorized to practice surveying as defined by the State.
13. "Landscape architect" means a registered Landscape Architect authorized to practice landscape architecture as defined by the State.
14. "Lot" means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
15. "Lot, corner" means a lot abutting upon two or more streets at their intersection.
16. "Lot, double frontage" means a lot abutting upon two public streets between the front and rear lot lines.
17. "Lot, interior" means any lot other than a corner or double frontage lot.
18. "Outlot" means an unbuildable area of land due to its size, shape, topography, or general location within the phasing of a subdivision.
19. "Plat, final" means a map, drawing or chart on which the subdivider's plan of the Subdivision is presented and which he or she submits for final approval and intends to file and record with the County Recorder.

20. "Plat, preliminary" means a study or map indicating the proposed manner or layout of the subdivision submitted to the Commission and Council for consideration and determination whether the proposed layout of the land is satisfactory from the standpoint of public interest and safety and conforms to State statutes and this Code of Ordinances.
21. "Plat, sketch" means a study or map indicating the general layout of rights-of-way and alignments of streets, utility easements, and dedicated areas for public use for a land area intended to be subdivided in conjunction with a preliminary plat. A sketch plat shall serve only as a guide for development and shall not be binding on the City for subsequent plat review and approvals.
22. "Public pathway" means a pathway restricted to pedestrians and non-motor vehicles for the purpose of separating automobile traffic from pedestrian and non-motorized traffic and linking together public land use.
23. "Roadway" means the wearing surface portion of the street available for vehicular traffic, and where curbs are laid, the portion from back of curb to back of curb.
24. "Sidewalk" means a public way designed and used for walking and located in public right-of-way or public easements.
25. "Street" means a public or private thoroughfare, which affords the principal means of access to abutting property.
26. "Street, arterial (Class A)" means a street used primarily for cross-town or through traffic.
27. "Street, collector (Class B)" means streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
28. "Street, marginal access" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provided access to abutting properties and protection from through traffic while limiting access to the major thoroughfare.
29. "Street, minor (Class C)" means a street used primarily for access to the abutting property.
30. "Subdivider" means any person, individual, firm, partnership, association, corporation, estate, trust, or other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.
31. "Subdivision" means the division of land into three or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development; or, in any change in existing street lines or public easements. The term, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided, or to the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

170.05 SKETCH PLAT. The subdivider shall prepare and file with the Clerk a minimum of 15 days prior to a scheduled meeting of the Commission eight copies of a sketch plat for the purpose of City review before the submittal of a preliminary plat.

1. The Clerk shall review the sketch plat with the subdivider, the Planning and Zoning Administrator, other City staff, and the Commission to consider the requirements of this chapter and the best use of the tract or parcel proposed to be subdivided. The Clerk shall, within 20 days of the submittal, complete the City review process, and notify the subdivider of any review comments.
2. A sketch plat shall include the following information at a minimum:
 - A. Name of the proposed subdivision.
 - B. Name, address, and other pertinent information about the property owner, applicant or other preparer of the sketch plat.
 - C. A north arrow and date of preparation.
 - D. Contour lines at intervals of not more than five feet.
 - E. The general location, areas and dimensions of any lots to be platted.
 - F. The general location, width and dimensions of any streets, alleys, and other ways existing or proposed to be reserved or dedicated for public use.
 - G. The general location of any existing or proposed public infrastructure, including water, sanitary sewer, storm sewer, or other infrastructure.
3. Neither the subdivider nor the City shall be bound by any comments, recommendations, determinations or decisions of City staff or Commission offered during the review.

170.06 PRELIMINARY PLAT. The subdivider shall prepare and file with the Clerk a minimum of 15 days prior to a scheduled meeting of the Commission 10 copies of a preliminary plat conforming in detail to the requirements set forth in this chapter.

1. The preliminary plat shall be prepared by a Professional Engineer, Land Surveyor or Landscape Architect.
2. Upon submittal, the Clerk shall review the preliminary plat with the Planning and Zoning Administrator and other City staff and carefully examine the preliminary plat as to its compliance with the laws and the ordinances of the City, the existing street system in relation to the master plan, and good engineering practices.
3. The City staff may confer with the subdivider on changes deemed advisable and the nature and extent of such improvements to be made by the subdivider.
4. When the proposed subdivision occurs within the two mile radius of the City where Story County, Boone County or City of Ames subdivision regulations also apply, the subdivider shall demonstrate compliance with all applicable requirements set forth in any such regulations prior to approval of the preliminary plat by the Council. The City also has power of review of any subdivision within two miles distance of the City's boundaries in Story County, Boone County or the City of Ames.
5. Upon completing their investigation, including any changes made as a result of the initial review, the City staff shall submit their findings and recommendations to the Clerk, who shall forward the preliminary plat to the Commission.

6. The Commission shall examine the preliminary plat for its compliance with this chapter and the Comprehensive Plan of the City and shall have up to 45 days within which to submit a recommendation to the Council, provided that the subdivider may agree to an extension of time not to exceed 60 days.

7. Upon submittal of the preliminary plat to the Council, and the Council rejects the preliminary plat, the Council may request the City staff and the subdivider to reevaluate said plat upon the objections made by the Council and ask the City staff and the subdivider to resubmit recommendations.

8. The Council shall, after receipt of the Commission recommendations on the preliminary plat or after the 45 days or any extension thereof shall have passed, examine the preliminary plat and by resolution grant approval or reject the preliminary plat. If the Council denies approval of the preliminary plat as recommended by the Commission, the Council shall indicate any reasons for such denial.

9. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within 180 days after the date of approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat. An extension of the requirement may be granted by the Council upon the written request of the subdivider.

10. Approval of the preliminary plat by the Council shall constitute approval to proceed with preparation of the final plat and any required public improvements, but shall not be deemed approval of the subdivision.

11. The preliminary plat shall be drawn on a 24 x 36-inch maximum size sheet at a scale of 1" = 50' or as approved by the City staff, and shall include 10 copies with the following information:

- A. Location map showing the subdivision name, an outline of the area to be subdivided, existing streets and subdivisions, and north arrow and scale.
- B. Name and addresses of recorded owner or developer.
- C. Name, address and seal of Engineer, Surveyor or Landscape Architect.
- D. Name of subdivision, date, north arrow and scale.
- E. Legal description, boundary with dimensions (indicated with a heavy, solid line) and acreage of the proposed subdivision.
- F. Contour lines at intervals of not more than two feet.
- G. Zoning classification of the proposed subdivision.
- H. Location and name(s) of adjoining subdivision(s) or undeveloped land adjacent to the proposed subdivision and owners and persons having ownership interest in all adjoining properties.
- I. Location, names and widths of all existing and proposed roads, alleys, streets and highways adjoining the area being subdivided.
- J. Existing buildings, railroads, underground utilities, other rights-of-way and easements.
- K. Location and areas of any existing watercourses, wetlands, floodplains, trees, woodland resources, prairie resources or other environmentally on or within 200 feet of the proposed subdivision.

- L. Layout of proposed blocks and lots, including the dimensions of each lot, the lot and block numbers in numerical order, and the area of each lot in acres and square feet.
- M. Layout, widths and other dimensions of any proposed streets, alleys, utility, and other easements, and other areas dedicated for public use, such as schools, parks, pathways, or other public or reserved areas.
- N. A cross-section of the proposed streets showing the roadway location, paving materials and dimensions, type of curb and gutter and sidewalks to be installed.
- O. Layout of proposed water mains and sanitary sewers, including the source of the water and sewer services and any connections to existing infrastructure.
- P. Layout of site drainage, including drainage easements, proposed storm sewers, storm water management areas, and other structures.
- Q. Layout of proposed gas, electric, telephone, and other utility systems and their source of service.
- R. Building setback lines for all lot lines.
- S. A letter of consent from all persons having an interest in the land to be subdivided demonstrating their consent to the subdivision of the land, and a statement that the subdivision will comply and be in conformance with all the requirements of the ordinances and regulations of the City and to platting procedures and conditions.
- T. Any preliminary restrictions or covenants proposed by the subdivider.
- U. Other information deemed necessary for the preliminary plat review as may be required by the City.

170.07 FINAL PLAT. The subdivider shall prepare and file with the Clerk a minimum of 15 days prior to a regular meeting of the Commission 10 copies of a final plat conforming in detail to the requirements set forth in this chapter. Procedures for final plats shall be the same as set forth for preliminary plats in this chapter.

1. No final acceptance or approval of the final plat shall be granted by Council until all required improvements are inspected, approved and certified to the City staff. The subdivider shall provide, at the subdivider's own cost, inspection services from a Professional Engineer or other inspector approved by the City who shall submit a certified statement to Council that all public improvements authorized by the Council have been completed in accordance with this chapter.
2. If construction of improvements of any kind is initiated by the subdivider without preliminary plat approval from the Council, the subdivider shall be responsible for any changes in these improvements required by the Council before final plat approval.
3. If Council does not require that all public improvements be installed, dedicated and approved prior to approval of the final plat, the Council shall require the subdivider to execute an improvement agreement as set forth in this chapter and provide security in the form of a performance bond. Between the approval of a preliminary plat and submission of a final plat for approval, the subdivider must either complete all required

public improvements to the satisfaction of the City or enter into an improvement agreement to do so.

4. The Council shall act within 30 days of the date of submittal of the final plat for approval.
5. A final plat shall meet the following requirements:
 - A. The final plat shall include all of the property shown on the preliminary plat. Any property not included in the final plat for subdivision and development shall be designated as an outlet.
 - B. The final plat shall be drawn on a 24 x 36-inch maximum size sheet at a scale of 1" = 50' or as approved by the City staff.
 - C. When more than one sheet is used to describe the property to be subdivided, each sheet shall display the both the number of the sheet and the total number of sheets included in the final plat, as well as clearly labeled match lines indicating where the sheets adjoin.
6. A final plat of 10 copies shall include the following information:
 - A. Name of the subdivision.
 - B. Name and address of the owner and subdivider.
 - C. Name of the preparer and date of preparation.
 - D. A statement by a Land Surveyor that the plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number and seal, and certification of the accuracy of the plat.
 - E. North arrow, scale, and date.
 - F. Legal description of the boundary and areas to be platted.
 - G. Existing zoning classification.
 - H. Survey data describing the bounds of any proposed lot, block, public or private way, right-of-way, easement, dedication or other area within the proposed subdivision, the outer boundaries of the land to be subdivided, and reference to at least two section corners or at least two established monuments.
 - I. All public easements, dedications, or other reservations clearly labeled with reserved width and purpose.
 - J. All distance, bearing, curve and other survey data.
 - K. Locations of all existing and recorded streets intersecting the outer boundaries of the subdivision.
 - L. Existing floodplains.
 - M. Names of any existing or proposed public ways.
 - N. Block numbers, lot numbers, dimensions and areas.
 - O. Building setback lines in accordance with the Zoning Ordinance from all public ways.
 - P. Resolution and certificate for approval by the Council and signatures of the Mayor and Clerk.

7. A final plat shall include the following for Commission review:
 - A. Six sets of construction documents submitted on maximum 24 x 36-inch sheets, including the design of all streets, alleys, sanitary sewers, water mains, storm sewers, drainage channels, and other public improvements required for the subdivision. These plans shall include plans and profiles as required at a scale of 1" = 50' horizontal, 1" = 5' vertical, with appropriate construction details to construct the improvements.
 - B. The construction documents shall include a layout of the subdivision showing the relationship between all existing and proposed public improvements.
 - C. A proposed schedule of construction for the required public improvements.
 - D. Any final improvement agreement.
 - E. 10 copies of any final restrictions or covenants proposed by the subdivider.
8. A final plat shall include the following attachments for Council review:
 - A. 10 copies of the final plat as approved by the Commission.
 - B. 10 copies of any final restrictions or covenants for recording.
 - C. Any final improvement agreement for recording.
 - D. 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.
 - E. 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.
 - F. 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.
 - G. 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*.

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

I. A deed to the City, properly executed, for any areas to be conveyed to the Council.

J. A certificate from an Engineer that "as-built" plans show that all required public improvements have been completed in accordance with the approved construction documents, or a certificate from the Clerk that a performance bond in accordance with this chapter guaranteeing completion of all required public improvements has been approved by the City Attorney and filed with the City Clerk.

K. A certificate from the Clerk that a maintenance bond in accordance with this chapter guaranteeing the required public improvements against defective materials or workmanship for a period of four years has been approved by the City Attorney and filed with the Clerk.

170.08 RECORDING OF FINAL PLAT. The passage of the resolution by the Council accepting the final plat shall constitute final approval of the platting of the area as shown on the final plat.

1. The Council shall provide the subdivider with a resolution of approval for the County Recorder. The subdivider shall cause the final plat to be recorded in the Office of the Recorder of Story County, Iowa, and shall provide the Clerk a certificate of recording of the final plat and other certifications and instruments recorded with the County Recorder's Office.
2. Approval of the final plat shall be null and void unless Council files the final plat in the office of the County Recorder within 60 days of the date of said final approval.

170.09 BOND REQUIREMENTS. The subdivider shall be required to submit a performance bond and a maintenance bond for all required public improvements.

1. The subdivider shall submit to Council a performance bond at the time of submittal of the final plat in an amount not less than a certified estimate from an Engineer for the construction, installation and dedication of all required public improvements as shown on the construction documents that have not been installed and accepted by the City. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in this chapter.
2. All performance bonds shall have a time period as determined by the Council. All of the required public improvements shall be completed within the time period specified, which shall in no event exceed two years from the date of final plat approval by the Council.
3. The Council may grant an extension of time for completing any required public improvements in increments of not more than one year but only if there shall be no unreasonably adverse effect on property owners within the subdivision. The subdivider shall submit a written request to Council for any request for extension.
4. The subdivider shall file a new performance bond upon the granting of an extension in an amount based on any revised estimate of the cost for completing the required public improvements.

5. In the event that all required public improvements are not completed within the designated time period or extension and no further extension is granted, the Council may execute the performance bond to complete the improvements.
6. The performance bond may not be released or reduced except as follows:
 - A. The Council will not accept dedication of required public improvements or release or reduce a performance bond until the subdivider has submitted certificate from an Engineer that "as-built" plans show that all required public improvements have been completed in accordance with the approved construction documents as required in this chapter.
 - B. A performance bond will be released upon the actual dedication and acceptance of required public improvements. Partial release or reduction of the original bond amount may be approved by the Council upon dedication of the improvements completed.
7. The subdivider shall, at the time of acceptance of the required public improvements by the Council, post a maintenance bond in an amount determined by the City as sufficient and as approved by the City Attorney as to form, sufficiency and manner of execution as set forth in this chapter.
 - A. The Subdivider shall be required to maintain all required public improvements free of defects in materials and workmanship for a period of four years from the date of acceptance of the improvements.
 - B. A maintenance bond posted by the subdivider's contractor may be accepted.
 - C. The maintenance bonds shall be in the amount of the performance bond.

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

1. **Blocks.** No block shall be longer than 1,320 feet or less than 250 feet, except as otherwise approved by the Council. The width of the block shall be sufficient to permit two tiers of lots with sufficient dimensions conforming to the requirements of the Zoning Code. One tier of lots shall be permitted for blocks adjacent to arterial streets, railroads or waterways.
2. **Lots.** Lots shall conform to the following requirements:
 - A. The dimensions, shape and orientation of the lots shall be determined with regard to solar orientation, topography, land features and circulation.
 - B. Corner lots shall be not less than 15 feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.
 - C. Double frontage lots other than corner lots are prohibited except where such lots back on a primary street or highway or except in the case of large commercial or industrial lots. Ingress and egress shall be limited to the frontage

street and are strictly prohibited on the rear street. A plat restriction shall be provided covering this restriction.

D. Each lot shall be provided by means of a public street with satisfactory access to an existing public street.

E. Each lot shall conform to the lot dimensions and area as set forth or the applicable zoning district in the Zoning Code.

F. Side lot lines where possible shall be at right angles or radial to the street lines.

G. Each lot shall be provided with access and connections to public water and sanitary sewer services.

H. An area of land created by subdivision that is unbuildable due to its location, size, shape, or intended use, shall be designated an outlot on the final plat, the approval of which shall thereby restrict it as an unbuildable area.

3. Monuments. Monuments shall meet all requirements specified by statute and shall be placed at block corners, point of curves, change in direction along lot lines at each corner in accordance with this chapter. Monumentation shall be completed prior to submittal of the final plat as required in this chapter.

170.11 STREETS AND RIGHTS-OF-WAY. The arrangement, character, extent, width, grade, and location of all streets shall conform to the requirements of this chapter and any further plans adopted by the City.

1. Relation to Existing Streets. New subdivisions shall make provisions for continuation and extension of existing arterial and collector streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property at equal or greater width, and in similar alignment, unless variations are approved by the Council.

2. Rights-of-way shall be provided for all streets as follows:

Street Classification	Width
Class A	80 feet
Class B	60 feet
Class C	60 feet
Cul-de-sac, diameter	90 feet
Alleys, residential	16 feet
Alleys, commercial and industrial	20 feet

3. Roadway widths, measured from back of curb to back of curb, shall be provided for all streets as follows:

Street Classification	Width
Class A	45 feet
Class B	31 feet
Class C, parking two sides	31 feet
Class C, parking one side	26 feet
Cul-de-sac, diameter	80 feet
Alleys, residential	16 feet
Alleys, commercial and industrial	20 feet

4. Cul-de-sacs shall be constructed in accordance with the requirements as shown on Sketch A, "Standards for Normal Cul-De-Sac Right-of-Way" attached to the ordinance codified in this chapter.

5. Grades. Streets and alleys shall be completed to grades which have been approved by the Council. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed the following:

Class A	6%
Class B	7%
Class C, parking two sides	8%

6. General Considerations. Streets shall conform to the following general considerations:

- A. Street intersections shall be as nearly right angles as possible.
- B. Intersections of more than two streets are not permitted.
- C. Intersection of street centerlines shall not be less than 75 degrees.
- D. Offsets of cross intersecting streets shall not be less than 150 feet.
- E. No dead-end streets or alleys will be permitted except at subdivision boundaries where an interim turnaround shall be required.
- F. Cul-de-sacs shall not exceed 600 feet in length.
- G. Class A and Class B streets in a subdivision shall extend through to the boundaries of the subdivision.
- H. No private drives shall be connected to Class A streets unless permitted by the Council.
- I. Alleys shall be hard surfaced with Portland cement concrete or asphaltic cement in residential areas.

7. Streets shall be installed at the expense of the subdivider and be constructed in accordance with the requirements of the City. Any such street shall become the property of the City upon the City's approval and acceptance of such street.

8. Half Streets. Dedication of half streets will not be allowed. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Council.

9. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is in alignment with other existing streets shall bear the same name. Names of new streets shall be subject to the approval of the Council in order to avoid duplication of close similarity of names.

170.12 REQUIRED IMPROVEMENTS. The subdivider shall provide all required public improvements in accordance with the Comprehensive Plan, Subdivision Design Standards, and *Iowa Statewide Urban Design and Specifications*, current edition. All required improvements

shall be constructed in accordance with the standard specifications as adopted by the City and with the requirements as shown in Sketch B and Sketch C, "Standards for Utility Locations within R.O.W" attached to the Subdivision Code.

1. **Water Supply.** The subdivider shall provide the subdivision with a complete water main system which shall be extended into and through the subdivision to the outer boundary lines, and which shall provide for a water connection for each lot, and shall be connected to the City water distribution system. The subdivider shall provide all hydrants, valves, and other appurtenances. Prior to connection with the existing water system of the City, the subdivider may be responsible for a connection fee in accordance with requirements of the City.

2. **Sanitary Sewers.** The subdivider shall provide the subdivision with a complete water main system which shall be extended into and through the subdivision to the outer boundary lines, and which shall provide for a sewer connection for each lot, and shall be connected to the City sanitary sewer collection system. Further, where the existing sewer may be reasonably extended through the subdivision so as to provide for continuous future development, such provisions shall be made by the subdivider.

A. All house laterals shall have a minimum diameter of four inches and shall be installed to the right-of-way line prior to paving of the street.

B. Sanitary sewers shall have a minimum diameter of eight inches and be made available to each lot. Any lot in the Residential Estate District not served by public sewer shall show satisfactory results of soil percolation tests provided by the subdivider.

3. **Storm Sewers.** The subdivider shall provide the subdivision with adequate drains, ditches, culverts, bridges, storm sewers, intakes, and manholes to provide for the collection and on-site management of surface waters, and these improvements shall extend to the boundaries of the subdivision as to provide for extension to adjoining properties.

4. **Streets.** All streets shall be constructed using an urban cross section with curb and gutter and all weather surface of Portland cement concrete or asphaltic cement paving between the gutters. The Council may, at their discretion, allow streets to be constructed using a rural section with drainage ditches on both sides of the street. All streets shall be constructed to the grade, alignment, and thickness approved by the Council. Urban section requirements are as follows:

A. Minimum grade shall be one half percent, with one percent the preferred slope.

B. Surface crown shall be six inches.

C. Curbs shall be six inches high and wide.

5. **Sidewalks and Public Pathways.** Sidewalks and/or public pathways constructed of Portland cement concrete and in compliance with the Americans with Disabilities Act shall be required unless a waiver is granted by Council based on variations and exceptions.

6. **Stormwater Management.** The subdivider shall be required to make adequate provisions to control the rate of storm or flood water runoff including by stormwater management measures by pipe or surface channelization any surface water that may

exist prior to development of the subdivision and the adjacent properties. The stormwater management system shall conform to the following:

- A. Grading, facilities, or improvements or some combination thereof, which results in no increase in the rate of runoff when compared to the undeveloped condition of the area of the proposed subdivision.
 - B. Incorporate rainfall frequencies of 5-, 10-, and 100-year design storm events.
 - C. Accommodate runoff from any upstream area potentially draining into or through the area of the proposed subdivision.
 - D. Provide for mitigation of any overload condition reasonably anticipated on any existing downstream storm water management measure outside of the area of the proposed subdivision, provided that the development or use of the area of the proposed subdivision creates or contributes to such condition.
7. Soil Erosion and Sedimentation Control. The subdivider shall grade any portion of the area of the proposed subdivision only in conformance with an approved grading plan, including an approved erosion and sedimentation control plan for the entire area. The subdivider shall provide the City with a copy of the NPDES Discharge Permit Authorization as required from the Iowa Department of Natural Resources for coverage of the proposed subdivision.
8. Street Lights. Street lights shall be designed by the power utility, provided and installed by the subdivider at no cost to the City.
9. Signs. Traffic control signs will be furnished by the City and installed by the subdivider. Street name signs are required and shall be furnished and installed by the subdivider.
10. Specifications. The type of construction, materials, methods and standards of subdivision improvements shall be in accordance with the *Iowa Statewide Urban Design and Specifications*, current edition. Construction plans and any supplemental specifications shall be submitted to the City for approval prior to construction and construction shall not begin until the plans and specifications have been approved by the Commission and Council.
11. Inspection. The Council shall cause the installation of all improvements to be inspected to insure compliance with the requirements of this chapter. The cost and services of such inspection shall be provided by the subdivider.
12. Comprehensive Plan. All proposed subdivisions shall conform to the Comprehensive Plan of the City as amended.

170.13 FEES. Before the City accepts a sketch plat, preliminary plat, or final plat for review, the subdivider or agent shall deposit with the Clerk a fee according to the following schedule. The appropriate fees shall be deposited at the time of the filing of the submittal.

Fees for Plats	
Sketch Plat	No fee required
Preliminary Plat	\$100.00, plus \$5.00 for each lot in the proposed subdivision
Final Plat	\$200.00, plus \$10.00 for each lot in the proposed subdivision
In addition, fees for professional services incurred by the City for the examination and review of the preliminary plat and final plat shall be paid by the subdivider.	

170.14 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape or is surrounded by such development or unusual conditions not created by the subdivider that the strict application of the requirements in this chapter would result in substantial hardships or injustices, the Council upon recommendation of the Commission may vary or modify such requirements wherever provided within this chapter to permit reasonable development of the property while protecting the public welfare and interest of the City and surrounding area and preserving the general intent and spirit of this chapter.

170.15 ENFORCEMENT.

1. No plat or any subdivision in the City or within two miles thereof shall be recorded or filed with the County Auditor or County Recorder or have any validity until it complies with the requirements of this chapter and has been approved in the manner prescribed herein.
2. No building permit shall be issued on any lot, parcel or tract within any subdivision unless and until such subdivision has been approved and recorded in accordance with this chapter.
3. The Council shall not permit any public improvements over which it has control to be made from City funds or any City money expended for improvements or maintenance on any area that has been subdivided after the date of adoption of the ordinance codified by this chapter unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Council as a public street.
4. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises and these remedies shall be in addition to penalties for violation of this chapter.

170.16 CHANGES AND AMENDMENTS. Any provisions of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and recommendation by the Commission. The Commission shall report within 30 days, after which time the Council shall give notice of and hold a public hearing on the proposed amendment.

170.17 VALIDITY. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

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