CHAPTER 170

SUBDIVISION REGULATIONS

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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 revaluate 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 outlot.

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	
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.