

City of Hartley



2013

SUBDIVISION REGULATIONS ORDINANCE

- The city with a heart -



Prepared with Planning Assistance from
Northwest Iowa Planning &
Development Commission
Spencer, Iowa

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CITY OF HARTLEY

SUBDIVISION REGULATIONS

ORDINANCE

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HARTLEY SUBDIVISION ORDINANCE

TABLE OF CONTENTS

ARTICLE I - BASIC PROVISIONS

1.1. Short Title	2
1.2. Purpose.....	2
1.3. Jurisdiction.....	2
1.4. Application.....	2
1.5. Character of Development	2
1.6. Recording of Plat	3
1.7. Auditor’s Plats	3
1.8. Plats within 2 Miles of the City Limits	3

ARTICLE II - DEFINITIONS

2.1. Definitions.....	4
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ARTICLE III – MINOR SUBDIVISION PROCEDURES AND REQUIREMENTS

3.1. Minor Plat Requirements	7
3.2. Review by Agencies	7
3.3. Procedures for Minor Subdivisions.....	7

ARTICLE IV - PRELIMINARY PLAT PROCEDURES AND DATA

4.1. Application Procedures.....	8
4.2. Preapplication Meeting with Planning Commission.....	8
4.3. Preliminary Plat Procedures.....	8
4.4. Requirements of Preliminary Plat	9

ARTICLE V - FINAL PLAT PROCEDURES AND DATA

5.1. Final Plat Procedures	11
5.2. Requirements of Final Plat.....	12
5.3. Final Plat Attachments.....	13

ARTICLE VI - DESIGN STANDARDS

6.1. General Requirements.....	15
6.2. Acre Subdivision.....	15
6.3. Streets.....	15
6.4. Alleys	16
6.5. Railroads	17
6.6. Blocks	17
6.7. Lots	17
6.8. Easements	17
6.9. Plat Markers & Monuments.....	18

ARTICLE VII - IMPROVEMENTS

7.1. Resubdivisions	19
7.2. Suitability of the Land for Subdivision.....	19
7.3. Installation of Improvements	19
7.4. Specifications.....	21
7.5. Guarantees.....	21
7.6. Acceptance & Maintenance	21

ARTICLE VIII – PUBLIC SPACE DEDICATIONS

8.1. Park, Open Space & Public Use Dedications22
8.2. Other Public Space Regulations.....22

ARTICLE IX - ADMINISTRATION, ENFORCEMENT AND AMENDMENT

9.1. Fees Established.....23
9.2. Variations and Exceptions23
9.3. Enforcement.....23
9.4. Penalties24
9.5. Changes and Amendments.....24
9.6. Severability Clause24
9.7. Repealer24

ARTICLE X – EFFECTIVE DATE

10.1 Effective Date25

ADOPTION.....25

REPLACES CHAPTER 166, CODE OF ORDINANCES, HARTLEY, IOWA
HARTLEY SUBDIVISION REGULATIONS ORDINANCE
AND AMENDMENTS THERETO

**SUBDIVISION REGULATIONS ORDINANCE FOR THE
CITY OF HARTLEY, IOWA**

AN ORDINANCE prescribing minimum requirements for the design and development of new subdivisions and resubdivisions of land in the incorporated city limits of Hartley, Iowa; providing for the enforcement of these regulations; for the repeal of other ordinances or resolutions in conflict herewith; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public in accordance with the comprehensive land use plan of Hartley, Iowa, and in accordance with provisions of Chapter 354, Code of Iowa; Platting-Division and Subdivision of Land.

WHEREAS, the Hartley City Council has adopted a zoning ordinance to assist in controlling the future development of the city by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings and structures for residences, commerce, industry and other purposes; and

WHEREAS, the Hartley City Council deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities, and streets; to promote the general welfare; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, private and public water supply, on-site private and public sanitary sewage treatment, storm drainage, and other public improvements and services in areas of new development and throughout the city.

NOW THEREFORE, BE IT ORDAINED BY THE HARTLEY CITY COUNCIL; the following ordinance relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

ARTICLE I

Basic Provisions

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Application
- Section 1.5. Restrictive Covenants
- Section 1.6. Recording of Plat
- Section 1.7. Auditor's Plat
- Section 1.8. Plats within 2 Miles of the City Limits of Cities and Towns

Section 1.1. SHORT TITLE.

This ordinance shall be known and cited as the “Hartley Subdivision Regulations”.

Section 1.2. PURPOSE.

The purpose of this ordinance is to provide for minimum standards in subdividing or resubdividing lots, blocks or other parcels of land in the city and within two (2) miles of its corporate limits. It is deemed essential to establish minimum standards for subdivisions and resubdivisions of land so existing land uses and developments will be protected, so adequate provisions are made for public utilities and other public requirements, to insure growth occurs in an orderly manner consistent with the comprehensive plan, and to improve the public health, safety, and general welfare of the citizens of Hartley.

Section 1.3. JURISDICTION.

In accordance with the provisions of Chapter 354, Code of Iowa, and amendatory acts thereto, this ordinance is adopted by the City Council of Hartley, Iowa, governing the subdivisions of all lands within the incorporated city limits of Hartley and all lands within the extraterritorial jurisdictional area. It shall be unlawful for any person being the owner, agent or person having control of any land within Hartley and the extraterritorial jurisdiction area to create a subdivision unless by a plat, in accordance with the regulations contained herein.

Section 1.4. APPLICATION.

Every owner of a tract or parcel of land who shall hereafter subdivide or plat land into more than three (3) parts, for the purposes of laying out an addition, subdivision, building lot or lots, shall cause plats to be made in form and containing the information hereinafter set out. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided and all public lands and rights dedicated to the governing body having jurisdiction for the area in which it is located.

Section 1.5. CHARACTER OF DEVELOPMENT.

The subdivider may, at their own expense, restrict the use of premises contained in a subdivision plat by means of protective or restrictive covenants. The Planning Commission may advise the subdivider regarding protective covenants to be written into the deeds, their purpose being to protect the character and value of surrounding property; and to secure the most appropriate type of development.

Section 1.6. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within Hartley, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the County Recorder until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance. Upon approval of the final plat by the City Council it shall be the duty of the subdivider to immediately file such plat with the County Auditor and Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the County Auditor within thirty (30) days.

Furthermore, the City of Hartley will require that no subdivision plat, resubdivision plat or street dedication located within two (2) miles of the corporate limits of Hartley be filed for records with the O'Brien County Recorder until the Hartley Planning Commission has had an opportunity to review and comment on such subdivision regarding compliance of this ordinance.

Section 1.7. AUDITOR'S PLATS.

With regard to auditor's plats, as distinguished from subdivider's plats, the City Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations provided there is on file a copy of the request of the County Auditor ordering such plat and a letter from said auditor stating that the plat as submitted meets the requirements for which the plat was ordered.

Section 1.8. PLATS WITHIN 2 MILES OF THE CITY LIMITS.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of Hartley and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the city. In accordance with the provisions of Section 354.9 of the Code of Iowa, as amended, a subdivider or other agent, shall file a copy of all preliminary and final subdivision plats including minor plats, for the unincorporated areas within O'Brien County that are within two (2) miles of the city. The City Council may review and comment on the proposed subdivision. The City may approve, disapprove, or waive their right to review all plats within the extraterritorial area defined herein. The plat(s) shall be filed with the city prior to or at the same time as filing with the county. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.

ARTICLE II Definitions

Article II: Definitions

Section 2.1. Definitions

Section 2.1. DEFINITIONS.

For use in this ordinance, the following terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is always mandatory, the word may is permissive.

1. *Access Street*: A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from traffic.
2. *Aliquot part*: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
3. *Alley*: A right-of-way, other than a street, as a secondary means of access to abutting properties.
4. *Auditor's plat*: A plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
5. *Block*: An area of land within a subdivision entirely bounded by streets, highways, lakes, sloughs, wetlands or marshes, tracts of public land, or other public rights-of-way except alleys; and all the exterior boundary or boundaries of the subdivision.
6. *Building Line (Setback Line)*: A line on a plat between the property line and a building or structure in which no building or structures may encroach closer to the property line. Building lines shall be shown on all lots intended for residential use of any character, and for commercial and industrial lots when required by the zoning ordinance. Such building line shall not be less than required by the zoning ordinance.
7. *City*: City of Hartley, Iowa
8. *City Engineer*: Any person, firm or registered professional engineer designated by the City Council to serve in such capacity.
9. *Collector Streets*: Those streets that 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.
10. *Commission (Planning Commission)*: The Hartley Planning and Zoning Commission.
11. *Comprehensive Plan*: A master plan prepared by the Planning Commission, which indicates the recommended general locations of the various classes of public areas, dwelling, business, industry; provisions for traffic; and general physical development of the city.
12. *Cul-de-sac*: A short, dead-end street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
13. *Develop*: To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.

14. *Developer*: Any person or persons who develop or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
15. *Easement*: A right-of-way granted for the purpose of limited private, public and quasi-public uses across private land. 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 person(s) and within the limits of which the owner 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 rights of the grantee.
16. *Engineer*: A registered professional engineer authorized to practice engineering as defined by the registration act of the State of Iowa.
17. *Half Street*: A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the city for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.
18. *Highway*: A major street that carries a large volume of traffic (state/federal routes).
19. *Improvements*: Pavements, curbs, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items for the welfare of the property owners and the public.
20. *Land Surveyor*: Any person who engages in the practice of land surveying pursuant to Chapter 114, Code of Iowa, authorized to practice surveying as defined in the registration act of the State of Iowa.
21. *Local Street*: A service street used primarily for access to abutting property.
22. *Lot*: A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, offered for sale, conveyance, transfer of ownership, improvement or for building development.
23. *Major Subdivision*: All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvements.
24. *Major Street or Thoroughfare*: A street used primarily for fast or large volume traffic.
25. *Metes and Bounds Description*: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.
26. *Minor Subdivision*: Any subdivision that creates not more than three (3) parcels fronting an existing road, not involving any new road or street or the extension of utilities, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the comprehensive plan, zoning ordinance, or this ordinance may be classified as a minor subdivision and must meet the appropriate provisions of this ordinance.
27. *Official Plat*: Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been approved by the city and filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
28. *Outlot*: A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot is an unbuildable lot. Typically a subdivider may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale; (b) To reserve a portion of a final plat for construction of and future

- dedication of a detention basin to the city or private association; or (c) For construction of a private street or access that will be owned and maintained by a private association.
29. *Owner*: The legal entity holding title to property being subdivided or such representative or agent as is fully empowered to act on its behalf.
 30. *Parcel*: A part or tract of land.
 31. *Performance Bond*: A surety bond or cash deposit made out to the city in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the city engineer, and surety bond or cash deposit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.
 32. *Plat*: A map, drawing or chart on which the subdivider's plan of subdivision is presented to the Commission and Council for approval; and which in its final form, will be submitted to the County Recorder in such part as may be necessary for filing.
 33. *Resubdivision*: Any subdivision previously included in a recorded plat. In appropriate context, the term may be used in referring to the act of preparing a plat of previously subdivided land.
 34. *Right-of-Way*: The area measured between property lines, dedicated to and accepted for public use, and providing access to abutting properties.
 35. *Roadway*: That portion of the improved street available for vehicular traffic, and measured from back to back of curbs where curbs are laid.
 36. *Street*: Public property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
 37. *Street, Dead End*: A short street having one end open to vehicular traffic and the other end terminated but not with a vehicular turnaround.
 38. *Subdivider*: The owner of the property being subdivided, or other such person or entity empowered to act on behalf of the owner's behalf.
 39. *Subdivision*: A division of any lot, tract, or parcel of land into three (3) or more lots, plots, sites or other divisions of land for the purpose of either immediate or future sale or of building development. It also includes a resubdivision of land or lots; and applies to all future divisions of land existing within the city at the time of passage of the ordinance codified in this chapter; or within two (2) miles of the city limits.
 40. *Tract*: Means an aliquot part of a section, a lot within an official plat, or government lot.
 41. *Utilities*: Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

ARTICLE III

Minor Subdivision Procedures and Requirements

Article III: Minor Subdivision Procedures and Requirements

- Section 3.1. Minor Plat Requirements
- Section 3.2. Review by Agencies
- Section 3.3. Procedures for Minor Subdivision

In lieu of a major subdivision (preliminary and final plats), a land owner, developer or subdivider may utilize a minor subdivision as defined in Article II.

Section 3.1. MINOR PLAT REQUIREMENTS.

The subdivider shall prepare the proposed minor subdivision plat and shall furnish to the County Auditor all plans and information, including three (3) copies of the final plat conforming in detail to the requirements set forth in this ordinance. The minor plat submitted shall contain the names and addresses of persons within 500 feet of the proposed subdivision to which a notice of public hearing will be sent. No plat shall be considered or acted upon by the City Council without affording a public hearing, notice of the time and place of which shall be sent by mail to such addresses not less than ten (10) days prior to the hearing. Said plat shall contain such information as required by this ordinance, specifically the requirements in Section 5.2 and Section 5.3; or as may be specified by Iowa Code or the Hartley Zoning Administrator.

Section 3.2. REVIEW BY AGENCIES.

The City Clerk shall place the plat on the City Council agenda and thereafter forward copies of the submitted plat to the Mayor and councilpersons, Public Works Director, Zoning Administrator, City Attorney and other agencies or persons as may be deemed appropriate. Within 30 days, the Public Works Director shall notify the City Clerk that access onto a public street or highway can or cannot be provided and that other required improvements are or are not present; and the Public Works Director shall notify the City Clerk that the land proposed to be subdivided complies with all applicable city, county and state standards; and the proposed or existing system of public improvements complies with applicable standards.

Section 3.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within thirty (30) days following the receipt of an application, or additional time period as the subdivider may authorize, the City Council shall hold a public hearing on the subdivision request. The Council shall act upon the minor plat not more than sixty (60) days after receipt by the City Clerk.
2. The City Council may approve or disapprove of the subdivision request, or they may refer the request to the Planning Commission for review prior to considering the minor plat. If approved, the minor plat shall be certified by resolution. In the event a minor subdivision plat is not approved, the Council shall state in writing how the proposed plat is objectionable.
3. Passage of a resolution accepting the plat shall constitute final approval. The subdivider shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the city shall recognize the plat as being in full force and effect. The subdivider shall record the plat within sixty (60) days after the Council's approval, and be responsible for all recording costs. Additionally, one (1) copy of the approved minor plat, adopting resolution, and any restrictive covenants shall be submitted to the Zoning Administrator by the subdivider.

ARTICLE IV

Preliminary Plat Procedures and Data

Article IV: Preliminary Plat Procedures and Data

- Section 4.1. Preapplication Conference with Planning Commission
- Section 4.2. Plan of the Entire Area
- Section 4.3. Preliminary Plat Procedures
- Section 4.4. Requirements of Preliminary Plat

Section 4.1. PREAPPLICATION CONFERENCE WITH PLANNING COMMISSION.

Before preparation of a preliminary plat, the subdivider should confer with the Planning Commission, in order to become familiar with the comprehensive plan, zoning ordinance, and other regulations affecting the area.

Section 4.2. PLAN OF THE ENTIRE AREA.

Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit in relation to the city as a whole, the Planning Commission shall cause to be prepared a plan of the entire area, such plan to be used by the Planning Commission and the City Council to aid in the judging of the proposed plat.

Section 4.3. PRELIMINARY PLAT PROCEDURES.

In obtaining preliminary approval of a proposed subdivision and/or development by the City Council, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. Whenever the owner of any tract or parcel of land, within the city limits, wishes to make a subdivision of same, said owner shall cause to be prepared a preliminary plat of said subdivision and shall submit ten (10) copies, with other information, to the Planning Commission for preliminary study and approval. The Commission shall forthwith refer one (1) copy to the City Administrator, one (1) copy to the City Public Works Director, and one (1) copy to the City Attorney. The preliminary plat shall contain such information and data as outlined in Section 4.4.
2. The Public Works Director or City Engineer shall examine said plat as to its compliance with the laws and ordinances of the city, the existing street system, sound engineering practices, and shall, as soon as is possible, submit the findings to the Planning Commission.
3. After receiving the Public Works Director's report, the Planning Commission shall study such preliminary plat to see if it conforms to the minimum standards and requirements outlined in this ordinance and to the comprehensive plan, and shall approve or reject such plat within thirty (30) days after its receipt. If the Planning Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; except that the subdivider may agree to an extension of time.
4. No preliminary plat shall be approved by the Planning Commission until and unless a public hearing is held, at least seven (7) and not more than twenty (20) days notice of which shall be sent to owners of all property within five hundred (500) feet of any part of the proposed plat and any other owners or individuals deemed affected by said plat. Furthermore, such public

hearing notice shall be given by publication in a newspaper of general circulation in the city and according to state statute. The Planning Commission shall transmit all copies of the preliminary plat along with its recommendations to the City Council within sixty (60) days after the date of submission thereof. Recommendations shall include approval, disapproval or suggestions for modification and reasons thereof. If approved, the Planning Commission shall express such approval in its minutes. If disapproved, the Commission shall express its disapproval and its reasons therefore to the subdivider in its minutes. Said recommendations shall be of an advisory nature only. The action of the Planning Commission shall be forwarded to the City Council.

5. Following due consideration of the preliminary plat, the City Council shall approve, disapprove or modify the recommendations of the Planning Commission and shall impose those requirements or grant those variances in conformance with these regulations deemed necessary and appropriate for final approval. The action of the City Council together with all modifications, requirements, variances and reasons thereof shall be noted on all copies of the preliminary plat application. One (1) copy shall be returned to the subdivider and others retained by the city. The City Council shall have approved or rejected the preliminary plat within thirty (30) days after action of the Planning Commission.
6. Upon approval of the preliminary plat by the Planning Commission and City Council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat shall be null and void unless the final plat is presented to the Planning Commission within one (1) year after the date of preliminary approval, unless specifically extended by City Council action.
7. The approval of the preliminary plat by the Planning Commission and City Council is revocable and does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat.

Section 4.4. REQUIREMENTS OF PRELIMINARY PLAT.

The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show, on a map, all facts needed to enable the Planning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following information:

1. GENERAL. Ten (10) copies of the preliminary plat shall be submitted as prescribed for review. Plat shall include the scale, north arrow, date and official legal description of the property being platted. The scale of the preliminary plat shall be not less than one hundred feet (100') to one inch (1") (100' = 1"). A scale of other than 100' = 1" may be used if prior approval is obtained from the Planning Commission. The sheet size shall not exceed eighteen inches (18") by twenty-four inches (24"). Where more than one sheet is required, the sheets shall show the sheet number and total number of sheets in the plat, and match lines indicating where other sheets adjoin.
2. NAME. The name under which the proposed subdivision is to be recorded, Name of the subdivision that shall not duplicate or resemble existing subdivision names within Hartley.

3. OWNER. Name and address of recorded owner and/or developer and the name and address of the subdivider or professional preparing the plan;
4. KEY MAP. A vicinity sketch or key map at a scale of four hundred feet (400') to one inch (1") showing existing subdivisions, streets and tract lines of acreage parcels, together with recorded names of owners of parcels of land within five hundred feet (500') of the outer boundaries of the proposed subdivision. It shall also show how streets in the proposed subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area.
5. ACRES. Acreage of the land to be subdivided.
6. INFRASTRUCTURE. The location of such surface features as proposed buildings, railroads, utilities, water courses, and similar items affecting the development.
7. CONTOUR. Existing contour lines at intervals of not more than two (2) feet, based on City datum.
8. BOUNDARIES. Property lines of the proposed subdivision, showing dimensions, bearing, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
9. STREETS. Location, names and widths of all existing and proposed streets, roads, alleys, highways with their right-of-ways on and adjacent to the area being subdivided. Additionally, a typical cross-section of the proposed streets shall be provided showing the type and width of surfacing, the type of drainage and other improvements to be installed as required by existing city specifications.
10. LOTS. Proposed layout of lots showing the lot numbers, dimensions, building setback lines, radii, and the square-foot area if an irregular shaped lot.
11. PUBLIC USE. Parcels of land proposed to be dedicated for public use such as schools, parks, playgrounds, or other public, semi-public or community purposes, proposed by the subdivider for public or private use or shown for such purpose in the comprehensive plan.
12. EASEMENTS. Existing and proposed easements and their locations, widths, purposes and distances.
13. UTILITIES. Present and/or proposed utility systems or services showing the location and size of subsurface features such as existing or nearest available sanitary and storm sewers, water mains, storm sewer drainage or water control structures including ditches, culverts, drain tiles, bridges and other similar structures.
14. ZONING. The existing and proposed zoning district in which the subdivision is to be located.
15. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as required by the Planning Commission or City Council.
16. FEE. The platting fee, as required by this ordinance and as established by resolution of the City Council.

Upon conditional approval of the preliminary plat, the owner of a subdivision or resubdivision shall not be permitted to sell any lots or develop thereon until a final plat has been approved by the City Council and officially recorded with the County Recorder.

ARTICLE V

Final Plat Procedures and Data

Article V: Final Plat Procedures and Data

- Section 5.1. Final Plat Procedures
- Section 5.2. Requirements of Final Plat
- Section 5.3. Final Plat Attachments

Section 5.1. FINAL PLAT PROCEDURES.

In obtaining final approval of a proposed subdivision by the City Council, the subdivider shall submit a final plat in accordance with the following order and procedure:

1. The subdivider shall submit to the Planning Commission for its approval, disapproval or suggestions for modifications, ten (10) copies of the final plat and supplementary material containing the data and information outlined in Sections 5.2 and 5.3 of this ordinance. The Planning Commission shall refer one (1) copy to the City Administrator, one (1) copy to the Public Works Director, and one (1) copy to the City Attorney for review and recommendation.
2. The Planning Commission shall study and consider the final plat, according to the procedures set forth for preliminary plats in Section 4.3 and shall submit all copies of the final plat along with its recommendations to the City Council. Said recommendations shall include approval, disapproval or suggestions for modifications and reasons thereof. Said recommendations shall be on an advisory nature only. In any case, the Planning Commission shall make its recommendation within thirty (30) days after receipt of the final plat; otherwise, the Council may approve it without recommendation. If the Planning Commission approved the final plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairperson or Secretary of the Planning Commission.
3. After approval of the final plat by the Planning Commission, its recommendation and the final plat shall be submitted to the City Council for approval, with or without added provisions, but in accordance with procedures set forth for preliminary plats in Section 4.3. If the Planning Commission does not approve the final plat, the City Council may approve said plat only by a three-fourths vote of the entire membership of the Council. A written explanation of reasons for adverse recommendation must accompany the Planning Commission's report to the Council. Approval of the final plat by the Council shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless an extension of time is granted during said thirty (30) days.
4. Where considerable cutting and filling precludes the advisability of setting final lot corners before the grading is completed, Council approval may allow the subdivider to proceed with construction, the surveyor's final plat being accepted by the City Council at a later date, when ready for filing with the County Recorder.
5. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting process of the area shown on the final plat. However, the subdivider or owner shall be responsible for the recording of such plat in the office of the County Recorder, as provided in Chapter 354, Code of Iowa, and amendatory acts thereto.

6. Where it can be shown that there are extraordinary hardships in the way of complete compliance with these regulations, the Planning Commission may recommend a variance, so that substantial justice may be done, and public interest secured, conforming to the city's comprehensive plan.
7. Final acceptance for recording purposes shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted by the city only after their construction has been completed and inspected.

Section 5.2. REQUIREMENTS OF FINAL PLAT.

The final plat shall conform substantially to the preliminary as approved, and may include all or a portion of the preliminary plat. Before printing of said copies, it is suggested that the subdivider confer over the plans with the Chairperson and one or two members of the Planning Commission, in order that final plans will be correct for printing and presentation at the Planning Commission meeting. The final plat shall show the following:

1. When or if the preliminary plat is approved, the subdivider shall submit ten (10) copies of the final plat for review by the Planning Commission. The final plat shall be made from an accurate survey by a registered engineer or land surveyor and drawn to a scale of one hundred feet (100') to one inch (1") or larger and placed on a drawing the dimensions of which will be eighteen inches by twenty-four inches (18" x 24"). A scale other than 100' = 1" may be used if prior approval is obtained from the Planning Commission and County Recorder.
2. Name of the subdivision and legal description of property subdivided, showing its location and extent, points of compass, scale of plan, classification or property under the zoning ordinance; and name of owner, subdivider; and landscape architect, land surveyor or engineer making the final plat.
3. Accurate boundary lines of the property, with dimensions and angles that provide a survey of the tract, closing with error of not more than one foot (1') in ten thousand feet (10,000') on the boundary, and one foot (1') in five thousand feet (5,000') for any individual lot. Distances shall be measured to the nearest one hundredth foot.
4. Accurate references to known or permanent monuments together with their descriptions giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
5. Accurate locations of all lines of adjoining streets and alleys, with their names and widths.
6. Accurate metes and bounds description of the boundaries of the property; lines of all streets and alleys, with their widths and any other areas intended for public use.
7. Radii, arc and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
8. Street names and street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.

9. All dimensions both linear and angular, necessary for locating boundaries of the subdivided area or of the lots, streets, easements and building line setbacks; and any other similar public or private uses.
10. Plan and profiles of all streets, alleys, sanitary sewers, storm sewers, and water lines at eighty feet (80') per inch horizontal scale and eight feet (8') per inch vertical scale. Profiles shall show location, size, and grade of all conduits, sanitary and storm sewers, pipelines, etc. to be placed under the streets and alleys. Profiles shall be drawn so that north is oriented to the top or to the left side of the drawing.
11. Lot numbers and dimensions.
12. Accurate locations, descriptions and dimensions of easements.
13. Accurate dimensions for all property to be dedicated or reserved for public, semi-public or community use, and of all property that may be reserved by deed covenant for the common use of property owners in a subdivision.
14. Building lines and dimensions.
15. Parcels not part of the plat shall be identified.
16. All final dimensions as shown above shall be in tenths of a foot or minutes in the case of angular measurements. However, the Council may first accept the plat, showing only even feet and degrees, allowing the subdivider to proceed with the project, subject to later revision of the plat in tenths and minutes, following staking of lots on ground. In this way, the subdivider may avoid the expense of final staking before the project has been approved or grading begun.

Section 5.3. FINAL PLAT ATTACHMENTS.

The final plat shall have the following attached when presented to the County Auditor for filing:

1. **OWNER'S CERTIFICATION.** A statement by the subdividers 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 subdividers 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 City Council.
2. **LIENHOLDER OF MORTGAGE HOLDER CERTIFICATION.** A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
3. **ABSTRACT OF TITLE.** A complete abstract of title and the opinion of a practicing attorney showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.

4. **ATTORNEY'S OPINION.** An attorney's opinion who has examined the abstract of title of the land being platted. The opinion shall state the names of the subdividers 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.
5. **CERTIFICATE OF DEDICATION.** A dedication to the city, properly executed, for all streets intended as public streets, and for any other property intended for public use.
6. **COUNTY TREASURER CERTIFICATE.** A certificate of the County Treasurer showing that all taxes have been paid and the property is free from certified special assessments; or that the land is free from taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
7. **CITY COUCIL APPROVAL.** A resolution of approval by the City Council with signatures of the Mayor and City Clerk.
8. **SATISFACTORY IMPROVEMENTS.** A certificate from the project engineer or land surveyor submitted on behalf of the owner or subdivider stating that all improvements and/or construction required by this ordinance are made or installed in accordance with city specifications. Furthermore, the owner or subdivider shall warrant all improvements and/or construction in accordance with approved plans and specifications and in compliance with the approved preliminary plat for a period of two (2) years from and after the date of acceptance by the city. In lieu thereof, the city may certify that a performance bond, cash payment or letter of credit approved by the City Council guaranteeing completion has been approved by the City Attorney and filed with the city, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.
9. **COVENANTS OR DEED RESTRICTIONS.** Any protective covenants or deed restrictions to be imposed upon the plat shall be submitted for review.

ARTICLE VI Design Standards

Article VI: Design Standards

Section 6.1.	General Requirements
Section 6.2.	Acre Subdivision
Section 6.3.	Streets
Section 6.4.	Alleys
Section 6.5.	Railroads
Section 6.6.	Blocks
Section 6.7.	Lots
Section 6.8.	Easements
Section 6.9.	Plat Markers and Monuments

Section 6.1. GENERAL REQUIREMENTS.

The following design standards shall be followed by all developers in subdividing or resubdividing land, except those plats referred to in Section 1.7, Auditor's Plats. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. No subdivision plat shall be approved by the Planning Commission unless it conforms to the following minimum standards and requirements.

Section 6.2. ACRE SUBDIVISION.

Lots more than one (1) acre in size shall be so arranged that provision may be made for their future subdivision into smaller lots, with allowance for additional streets.

Section 6.3. STREETS.

1. **LAND USE PLAN.** All proposed plats and subdivisions shall conform to the city's land use plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the city. Major street widths shall conform to the comprehensive plan.
2. **FRONTAGE OR ACCESS STREETS.** Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special considerations, the City Council may require access streets be provided in order that no lots front on such existing or proposed arterial street or highway.
3. **DEAD-END STREETS (CUL-DE-SACS).** Whenever a cul-de-sac is permitted, such dead-end street shall terminate in a circular right-of-way of at least one hundred feet (100') in diameter. No dead-end street or cul-de-sac shall be longer than six hundred feet (600'). The right-of-way width of the street leading to the turnaround shall be a minimum of fifty feet (50'). A turnaround diameter more than one hundred feet (100') may be required by the Planning Commission for commercial or industrial subdivisions if deemed necessary.
4. **STREET NAMES.** Proposed streets that are obviously in alignment with other already existing, or a street that may be logically extended although the various portions may be a distance from each other shall bear the names of such existing streets. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the City Council in order to avoid duplication or close similarity of names.

5. **STREET ALIGNMENT.** Existing principal streets shall be continued where needed and the street system shall be such as to cause no hardship to adjoining owners when they plat their own land and provide access.
6. **HALF STREETS.** The platting of half streets will not be permitted. Where a dedicated or platted half street or alley exists adjacent to the subdivision, the other half shall be included and platted.
7. **NEIGHBORHOOD PLAN.** If any overall plan has been made by the Planning Commission or the City for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto, unless such changes are approved by the Planning Commission.
8. **PHYSICAL AND CULTURAL FEATURES.** In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would tend to lend themselves to attractive treatment.
9. **STREET OFFSETS.** Streets of less than two hundred feet (200') shall be avoided.
10. **PRIVATE STREETS.** Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
11. **DEDICATION OF STREETS.** A dedication to the city shall be given for all streets before the same will be accepted for maintenance.
12. **CIRCULATION.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or unsubdivided land as may be required by the Planning Commission. Where a street will eventually be extended beyond the subdivision, but is temporarily dead-ended, an interim turnaround shall be required.
13. **STREET RIGHT-OF-WAY.** Minimum street right-of-way widths shall be provided in accordance with the recommended standards outlined in the Iowa SUDAS Manual (Statewide Urban Design and Specifications).
14. **STREET GRADES.** Streets and alleys shall be completed to grades that have been officially determined or approved by the city Public Works Director or City Engineer. The grade alignment and resultant visibility shall be worked out in detail to meet approval of the engineer. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one half of one percent (0.5%).
15. **STREET INTERSECTIONS.** Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than sixty (60) degrees.

Section 6.4. ALLEYS.

Alleys may be required in business areas and industrial districts, and except where justified by unusual conditions alleys will not be approved in residential districts. Alleys in the rear of all commercial and industrial districts shall be twenty feet (20') or more wide. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

Section 6.5. RAILROADS.

When the subdivision adjoins a railroad right-of-way, a street shall be dedicated parallel to the railroad and in proper relationship to proposed industrial or other lots, for convenient access. Furthermore, cul-de-sacs at right angles to the railroad may be an alternative so as to permit buildable lots to back thereunto

Section 6.6. BLOCKS.

1. No block shall be longer than one thousand three hundred feet (1,300') between street lines, or less than three hundred feet (300') except as the City Council deems necessary to ensure efficient use of land or desired features of street layout. The width of blocks, except for special reasons, shall not be less than two hundred twenty feet (220') or more than four hundred feet (400').
2. At street intersections, block corners shall be rounded with a radius of not less than twenty feet (20') unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.
3. Where a normal street pattern is not possible, there may be a "place," "cul-de-sac" or "court," provided that proper access is given to lots and space provided for building purposes.

Section 6.7. LOTS.

Generally, the lot design shall be such that all lots provide satisfactory and desirable building sites properly related to topography, drainage, sanitation and the character of adjacent developments.

1. Relationship to Streets. Each lot shall be provided by means of a public street or acceptable private drive with satisfactory access to a public street. Lots on major street intersection shall have a minimum radius of twenty feet (20') at the street corner.
2. Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding.
3. Dimensions. Minimum dimensions of lots shall comply with the zoning district requirements in which the subdivision is to be located.
4. Corner lots. Corner lots shall be of such width as to permit required building setbacks on both front and side streets as required by the zoning ordinance.
5. Double Frontage Lots. Double frontage or through lots, shall be prohibited except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.
6. Lot Lines. All lot side lines shall be at right angles to straight street lines, or radial to curved street lines, as far as possible, except where a variation of this rule will provide a better street and lot layout.

Section 6.8. EASEMENTS.

1. Where alleys are not provided, easements of not less than eight feet (8') in width shall be provided on each side of rear or side lot lines where needed for electric poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, or other

utilities, as determined after conference and approval of the utility companies or Public Works Director. Where necessary or advisable in the opinion of the City Council similar easements shall be provided along such other lot lines as may be required by public and private utility companies. Easements of greater width may be required for trunk lines, pressure lines, or high voltage lines and shall be provided as determined by a utility or the City Council.

2. If the City Council deems it necessary for proper drainage within or through a subdivision, it shall require a storm water easement or drainage right-of-way be provided.
3. Utility easements shall convey to the utility provider, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, operate and maintain electric lines consisting of poles, wires, cables, fiber optic lines, conduits, fixtures, anchors and other similar equipment, including the right to trim within such areas where necessary to secure a safe clearance from wires or poles.
4. Whenever any stream or important surface water course is located in an area that is being subdivided the subdivider shall, at the subdivider's expense, provide and dedicate to the city an easement along each side of the stream, which easement shall be for the purpose of straightening, widening, improving, or protecting any waterways or streams related to the subdivision.

Section 6.9. PLAT MARKERS AND MONUMENTS.

Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points with an iron pin or pipe monument at least thirty inches (30") long, five-eighths (5/8") in diameter re-rod, with a surveyor's identification cap attached, or as per State Code. A permanent bench mark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat. Developer shall provide the city with GPS (Global Positioning System) coordinates on all plat markers.

ARTICLE VII IMPROVEMENTS

Article VII: Improvements

- Section 7.1. Resubdivisions
- Section 7.2. Suitability of the Land
- Section 7.3. Installation of Improvements
- Section 7.4. Specifications
- Section 7.5. Guarantee
- Section 7.6. Acceptance and Maintenance

Section 7.1. RESUBDIVISIONS.

The City Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required; and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 7.2. SUITABILITY OF THE LAND FOR SUBDIVISION.

If the City Council finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if, from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Council may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land. Furthermore, the Planning Commission and City Council may refuse to approve scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, or which would necessitate an excessive expenditure of public funds for the supply of such services as undue maintenance costs for adequate roads.

Section 7.3. INSTALLATION OF IMPROVEMENTS.

Before approving and recording the final plat, the subdivider shall make and install the improvements listed below. Furthermore, the subdivider shall warrant the design, materials, and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after completion. Before the City Council approves the final plat all of the foregoing improvements shall be constructed and accepted by formal resolution. Before passage of said resolution of acceptance, the Public Works Director or City Engineer shall report that said improvements meet all city specifications and ordinances or other requirements and agreements between the subdivider and the city. In lieu of completion of improvements, the subdivider may, if desired, post a bond or certified check for the amount, agreeing to complete required improvements within one (1) year from final acceptance of the plat. If a performance bond or certified check is posted, final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. If the improvements are incomplete at that time, the city may use the bond for their completion.

All required improvements shall be installed and constructed in accordance with the specifications and under the supervision or inspection of the Public Works Director or City Engineer and all utilities managers and to the satisfaction of the City Council. Improvements required are as follows:

1. **STREET GRADING.** The subdivider shall grade all new streets and alleys between the right-of-way lines within the subdivided area. Furthermore, the subdivider shall, when necessary, grade any portion of the property subdivided into lots to the extent of being saleable and usable for residences or other structures thereon.
2. **STREET SURFACING.** The paving on such new streets shall be built according to the standards and specifications of the City Engineer, but in no case shall it consist of less than six inches (6") of reinforced portland cement concrete or eight inches (8") of asphaltic concrete over a prepared subgrade and shall be prepared in accordance with the designs and specifications of the City Engineer. Furthermore, surfacing of streets shall be in accordance with the grades, widths and thicknesses approved by the City Council.
3. **STREET SIGNS.** The developer or subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.
4. **SANITARY SEWERS.** Installation of sanitary sewers, with proper inlets, manholes, and sanitary sewer connection with each lot, outside paving. Where, in the opinion of the City Council, a public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision system to the public system after the City Engineer and City Council has approved the size of the lines. The developer shall stub a sewer service line into each lot being developed. Where sanitary sewers are not available for a distance of 1,400 feet or more and lots are one acre or more in size, septic tanks may be used, with sufficiently large tile field. Where a private sewage system is proposed, the subdivider shall furnish evidence that the facilities are approved by a registered engineer, licensed in the State of Iowa subject to the discretion of the county environmental health officer. Furthermore, sanitary sewer collection and treatment systems shall be approved by the Iowa Department of Natural Resources and such other agency as shall be charged with the regulatory authority over sanitary sewer facilities.
5. **WATER SUPPLY.** Where in the opinion of the City Council the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system to adequately serve all lots, of which shall also include the installation of water mains and fire hydrants, valves and other appurtenances properly connected with the public water supply. Where a public water supply is not within a reasonable distance or otherwise unavailable the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate water supply approved by the City Council and county environmental health officer. If the City Council approves the use of individual wells, lot sizes shall meet its approval.
6. **STORM WATER DRAINAGE.** All necessary improvements shall be made to provide for the disposal of storm water, including storm sewers or open drainage ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water and to maintain any natural

drainage course. Storm water drainage can not exceed pre-development flow rates. No water course shall be altered so as to divert surface drainage from one watershed to another. Storm sewers are to be located well outside of the curb or traveled roadway line.

7. **GAS MAINS.** Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.
8. **OTHER IMPROVEMENTS.** The City Council may require other improvements such as sidewalks, electric lines, street lights, gas mains, etc. upon review of the final plat.

All of the above improvements shall be made in accordance with good engineering practices and the accepted practices, regulations and ordinances of the City, and shall have the written approval of the Fire Chief, Public Works Director, or any public officer under whose department the installation may be affected. Sanitary sewers or septic tanks shall be approved by the county environmental health officer and the Iowa Department of Natural Resources. All of the above shall be approved on final plat before improvements are made.

Section 7.4. SPECIFICATIONS.

The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the city for approval prior to construction, and construction shall not be started until plans and specifications have been approved.

Section 7.5. GUARANTEES.

The completion requirement during final platting, herein provided, may be waived in whole or in part if the developer will post a performance bond or cash bond with the city ensuring all improvements not completed will be constructed within one (1) year. Improvements will be accepted only after their construction has been completed. The bond shall equal the engineer's approved estimate of construction costs and is to be furnished by a reputable bonding company maintaining an office in the State of Iowa, and shall indemnify Hartley from any and all costs or losses of the development and construction.

Section 7.6. ACCEPTANCE AND MAINTENANCE.

Upon completion of all improvements required by this ordinance, and upon submission of satisfactory proof to the City Council or other public agency that such improvements have met the standards and requirements of the city or other public agency and are installed on public property, approved and recorded rights-of-way or easements, the Council shall by resolution accept public improvements and property intended for public use for the purpose of ownership and maintenance by the city or other public agency. The subdivider shall maintain all improvements for two (2) years after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the city or by the posting of a maintenance bond in the amount of five percent (5%) of the estimated cost of the improvements.

ARTICLE VIII PUBLIC SPACE DEDICATIONS

Article VIII: Public Space Dedications

Section 8.1. Park, Open Space & Public Use Dedications

Section 8.2. Other Public Space Regulations

Section 8.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.

In a new subdivision, where any planned or proposed public use, public parks, or public recreation areas are shown on an official map or on the comprehensive plan map and located in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of such public open space within the proposed subdivision.

Section 8.2. OTHER PUBLIC SPACE REGULATIONS.

1. Public spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site that is undesirable for such public or civic uses.
2. If the comprehensive plan indicates a public open space within the proposed subdivision, the subdivider shall reserve the area for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by an independent appraiser. After such time, the subdivider may replat such property for the subdivider's own purposes.
3. Natural features, historic sites, and similar city assets shall be preserved in parks and open spaces within the subdivision.

ARTICLE IX

ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article IX: Administration, Enforcement & Amendment

- Section 9.1. Fees Established
- Section 9.2. Variations and Exceptions
- Section 9.3. Enforcement
- Section 9.4. Penalties
- Section 9.5. Changes and Amendments
- Section 9.6. Severability Clause
- Section 9.7. Repealer

Section 9.1. FEES ESTABLISHED.

The City Council shall, from time to time, establish fees, by resolution, for review of subdivision plats. Each preliminary plat submitted for approval shall be accompanied by a fee. No fees shall be charged for public land plats submitted by any governmental entity, plats submitted by any school board, or plats of property reserving or dedicating land to the city provided no other subdivision of land is shown thereon.

Section 9.2. VARIANCES AND EXCEPTIONS.

Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the City Council, upon recommendation of the Planning Commission, may modify or grant variances on such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner. However, all variations granted hereunder shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare. In granting any variance, the Planning Commission may recommend and the City Council may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. It is specifically herein provided that any variance shall be granted only by the affirmative vote of seventy five percent (75%) of the members of the Council. It is provided that any specific variance, modification or waiver granted under this provision shall in no way affect the future and subsequent enforcement of this ordinance, and shall not be construed to amend or nullify either the intent or purpose of this ordinance. A public hearing will be required by the City Council prior to granting a variance.

Section 9.3. ENFORCEMENT.

No plat or subdivision shall be recorded with the County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and approved by the City Council in the manner prescribed herein. Furthermore, the Zoning Administrator shall not issue zoning permits for any structure located on a lot in any subdivision, the plat of which was prepared after the adoption of this ordinance, which has not been approved in accordance with the provisions contained herein. Lastly, the City Council shall not permit any public improvements, over which it has control, to be made in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless

such subdivision or street has been approved in accordance with the provisions of this ordinance. Streets not accepted by the City Council shall be considered private roads.

Section 9.4. PENALTIES.

It shall be unlawful for the owner, or the agent of an owner, who knowingly or with intent to defraud, transfers, disposes or sells or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not less than \$100 per day and not more than \$500.00 per day for each lot so transferred, disposed of, leased or offered for sale. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the Zoning Administrator or other appropriate official may bring action to enjoin such erection or cause it to be vacated or removed.

Section 9.5. CHANGES AND AMENDMENTS.

Amendments may be made to this ordinance by recommendation from a majority vote of all members of the Planning Commission, and approval by the City Council. Within thirty (30) days of a recommendation from the Planning Commission, the city shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least once, not less than seven (7) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

Section 9.6. SEVERABILITY CLAUSE.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared by the courts to be invalid or unconstitutional for any reason whatsoever, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the parts so declared to be invalid or unconstitutional.

Section 9.7. REPEALER.

Effective on the effective date of this ordinance, the previous subdivision regulations and amendments thereto contained within Chapter 166, Code of Ordinances of Hartley, Iowa are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability. No final plat of land within the force and effect of the zoning ordinance shall be approved unless it conforms to this ordinance. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive applies.

ARTICLE X
Effective Date

Section 10.1. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

Adoption

SUBDIVISION REGULATIONS ORDINANCE OF HARTLEY, IOWA

Passed and approved by motion of the first consideration on _____

Passed and approved by motion of the second consideration on _____

Passed and approved by motion of the third and final consideration on _____

Adopted on _____, 2014

Published on _____, 2014

Mayor, City of Hartley

ATTEST:

Hartley City Clerk/Administrator

