

CHAPTER 180

SUBDIVISION REGULATIONS

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180.01 TITLE AND PURPOSE. This chapter shall be known as the Subdivision Ordinance of the City. The purpose of this chapter is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land so that existing land uses will be protected and so that adequate provisions are made for public facilities and services and so that growth occurs in an orderly manner, consistent with the comprehensive plan, and to promote the public health, safety and general welfare of the citizens of the City.

180.02 APPLICATION. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into three or more parts for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or, pursuant to Section 354.9 of the Code of Iowa, within two miles from the corporate limits of the City shall cause plats of such area to be made in the form, and containing the information as hereinafter set forth, before selling any lots therein contained or placing the plat on record.

180.03 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City or within two miles of the corporate limits of the City shall be filed for record with the County Recorder or recorded by the County Recorder until a final plat of such subdivision, resubdivision or street dedication has been reviewed and approved in accordance with the provisions of this chapter. Upon the approval of the final plat by the Council, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after 30 days, unless such plat has been duly recorded and evidence thereof filed with the Clerk within such 30 days.

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

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

180.06 DEFINITIONS. For use in this chapter certain terms or words used herein shall be interpreted or defined as follows:

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as a result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "Alley" means public property dedicated to public use primarily for vehicular access to a back or side of properties otherwise abutting on a street.
3. "Auditor's Plat" means a subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor.
4. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad right-of-ways, rivers, tracts of public land, or the boundary of the subdivision.
5. "City Engineer" means the professional engineer registered in the State designated as City Engineer by the Council or other hiring authority.
6. "Comprehensive Plan" means the general plan for the development of the community and which plan has been adopted by the City, and any and all parts separately adopted and any amendments thereto.
7. "Conveyance" means an instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.
8. "Cul-de-sac" means a street having one end connecting to another street and the other end terminated by a vehicular turnaround.
9. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement shall not be considered a division for the purposes of this chapter.
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, 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 easements which is not inconsistent with the rights of the grantee.
11. "Farm" means an area comprising 35 contiguous acres, exclusive of street and roads, or more which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property non-contiguous.
12. "Farmstead" means the buildings and adjacent service areas of a farm, including sites where the buildings have been removed provided the land has not been cultivated.

13. "Flood hazard area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred year flood, as designed by the Federal Insurance Administration.
14. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a 100-year flood without cumulatively raising the waterway surface elevation more than one foot.
15. "Improvements" means changes to land necessary to prepare it for building sites, including but not limited to grading, filing, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways and other public works and appurtenances.
16. "Lot" means a portion of a subdivision or other parcel or tract intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
17. "Lot, corner" means a lot situated at the intersection of two streets.
18. "Lot, double frontage" means any lot which is not a corner lot which abuts two streets.
19. "Major subdivision" means all subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, or the creation of any public improvements.
20. "Metes and bounds" means the method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.
21. "Minor subdivision" means a subdivision which contains or creates not more than three parcels and meets the criteria described in section 180.22(2).
22. "Nonresidential subdivision" means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this chapter.
23. "Owner" means the legal entity holding title to the property being subdivided or such representative or agent as is fully empowered to act on said owner's behalf.
24. "Planning Commission" or "Commission" means the Planning and Zoning Commission of the City.
25. "Plat" means a map, drawing or chart on which a subdivider's plan for the subdivision of land is presented and which the subdivider submits for approval and intends to record in final form.
26. "Resubdivision" means any subdivision of land which has been previously included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.
27. "Street":
 - A. "Public street" means a dedicated, platted, recorded and accepted roadway (not an alley) for public travel. The term "street" refers to the right-of-way bounded by the property lines of such public property.

- B. "Private street" means a platted and recorded lot usually of common ownership providing a roadway for public travel, not dedicated to the City, giving access to the other lots of the subdivision and to the adjoining street pattern.
- C. "Private street" means an unplatted, private, passageway providing access from a street to no more than two lots. Within a multi-family zoning a private drive can serve no more than two primary structures.
28. "Street, arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.
29. "Street, major" means an arterial street or other street which has or is planned to have continuity to carry traffic from one section of the City to another.
30. "Subdivider" means the owner of the property being subdivided or such other person or entity empowered to act on the owner's behalf.
31. "Subdivision" means the accumulative effect of dividing an original lot, tract, or parcel of lands, as of June 16, 1969, into two or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions and subdivision or replatting. When appropriate to the context, "subdivision" may refer to the process of subdividing or land subdivided.
32. "Utilities" means the system for the distribution or collection of water, gas, electricity, waste water, and storm water.

180.07 IMPROVEMENTS REQUIRED. The subdivider shall, at his or her expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

180.08 INSPECTION. All improvements shall be inspected to ensure compliance with the requirements of this chapter. The cost of such inspection shall be borne by the City.

180.09 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. **Streets.** The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter, on all streets. All streets or alleys shall be of such width and shall be constructed in accordance with the plans and specifications approved by the City. Under some circumstances the City may require, as a condition for the approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the City, become the property of the City.
2. **Sanitary Sewer System.** The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewage system including all necessary pumping stations, pumping equipment, manholes and all other necessary or

desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications submitted by the subdivider and approved by the City. Under some circumstances the City may require, as a condition for the approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The above-mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the City, become the property of the City.

3. Storm Sewer System. The subdivider of the land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with the plans and specifications submitted by the subdivider and approved by the City. Under some circumstances the City may require, as a condition for the approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the City storm sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The sewers shall, upon inspection, approval and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management or the provisions of a storm water management plan if such plan has been adopted by the City.

4. Water Main System. The subdivider of land being subdivided shall install and construct a water main system adequate to serve all lots or parcels of land within the platted area, with due regard to the present and foreseeable needs of the entire area and shall connect the same to the City's existing water mains. Under some circumstances the City may require, as a condition for the approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area. The water mains shall, upon inspection, approval and acceptance by the City, become the property of the City.

5. Other Improvements.

A. The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within the street area, grading, seeding or sodding of all lots. Deferrals for sidewalk construction may be approved by the City Council based on the City's current procedures and guidelines for sidewalk construction.

B. The owner and subdivider shall also be responsible for the installation of street lighting.

180.10 EASEMENTS REQUIRED.

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten feet in width shall be granted by the owner along rear, and where necessary, alongside lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lot lines when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary and as approved by the City.

180.11 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds, satisfactory to the City, so as to ensure that for a period of two years from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

180.12 ALTERNATIVE SYSTEMS FOR SEWER AND WATER.

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

2. Lots which cannot be reasonably served by a public sanitary sewer system and public water supply mains shall have a minimum width of 120 feet, measured at the building line, and an area of not less than one acre exclusive of right of way. On lots served by private on-site sewage disposal systems and private water supplies, the developer is encouraged to utilize a well-sharing system in order to maximize separation distances between alternate systems.

3. Percolation test data or professional soils analysis shall be submitted for each lot in the proposed subdivision. Soils classifications in the *Soil Survey of Delaware County, Iowa* can provide preliminary soil information, but is not site specific and therefore is not to be substituted for a professional soil analysis. Where soils classifications in the *Soil Survey of Delaware County, Iowa* indicated shallow bedrock or ground water, information on an additional test hole six feet in depth shall be provided for each lot with that soil type. The submittal of the above information does not relieve the owner from acquiring a permit for a private disposal system.

180.13 LAND SUITABILITY. No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely

to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City. If the land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Council shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Council may reaffirm, modify or withdraw its determination regarding such unsuitability.

180.14 LANDS SUBJECT TO FLOODING. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located. Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City:

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

180.15 PLAT TO CONFORM TO COMPREHENSIVE PLAN. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the comprehensive plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a major street plan, a sanitary sewer system plan or a parks and open space plan, provided such plan has been adopted by the City.

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

180.17 STREET STANDARDS. The following standards shall apply to all streets to be located within the subdivision:

1. Streets shall provide for the continuation of major streets from adjoining platted areas, and the extension of major streets into adjoining unplatted areas. Where a plat encompasses the location for a major street proposed in the comprehensive plan or major street plan, the plat shall provide for such major street.
2. Street grades shall align to existing streets and all grades for streets shall be approved by the City.
3. Arterial streets shall be located so as not to require direct access from the arterial street to abutting lots.

4. Street right-of-way widths and pavement widths shall be as specified in the technical standards for public improvements.
5. Half streets are prohibited; except where an existing platted half street abuts the subdivision, a platted half street to complete the street shall be required.
6. Minor streets shall be designed to discourage through traffic while safely connected to major collector or arterial streets.
7. Street jogs with centerline offsets of less than 125 feet shall be prohibited, except where topography or other physical conditions made such jogs unavoidable.
8. Streets shall intersect as nearly at right angles as possible, and no street shall intersect any other street at less than 60 degrees.
9. At intersections of major streets and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic-control devices and other necessary improvements without encroachment onto the corner lots.
10. Dead-end streets are prohibited except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.
11. Streets which connect with other streets, or loop streets, are preferable for maintenance, fire protection and circulation, but cul-de-sacs may be permitted. Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least 120 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of 66 feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than 30 feet. A paved cul-de-sac without curb and gutter shall have a minimum paved diameter of 82 feet with a minimum shoulder width of four feet of shoulder stone. A paved cul-de-sac with concrete curb and gutter shall have a minimum paved diameter of 88 feet measured from the back of curb to back of curb.
12. In general, alleys shall be prohibited in residential areas and required in commercial areas with normal street frontage. Dead-end alleys are prohibited, unless provided with a turnaround with a minimum right-of-way diameter of 100 feet.
13. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged so as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future opening and extensions for such streets or utilities may, at the discretion of the Council, be made a requirement of the plat.
14. Streets which are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Council.
15. Private streets, not dedicated to the City, shall be avoided. The Council may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

180.18 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions and, to the extent possible, in all resubdivisions:

1. No residential block shall be longer than 1,300 feet or shorter than 300 feet measured from street line to street line. The width of blocks shall be arranged so as to allow two tiers of lots, with utility easements.
2. In blocks over 700 feet in length, the Council may require a public way or an easement at least ten feet in width, or at or near the center of the block, for use by pedestrians.
3. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended and to meet the parking and other requirements for such uses contained in the Zoning Ordinance.
4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to the topography and surrounding land uses.
5. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.
6. All lots shall abut on a public street or upon an approved private street.
7. Unless unavoidable, lots shall not front or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
8. All lot lines shall be at right angles to straight street lines or radial to curved street lines except where, in the judgment of the Council, a variation to this provision will provide a better street and lot layout.
9. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the Zoning Ordinance, oriented to either street.
10. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on a minor street.
11. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drain field. No subdivision to be served by septic systems shall be approved by the Council until percolation tests have been performed and the results of said tests have been provided to and approved by the City Engineer.

180.19 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the City Manager. The conference should be attended by the City Manager and such other City or utility representatives as deemed desirable, and by the owner and the owner's engineer and/or planner, as deemed desirable. The purpose of such conference shall be to acquaint the City with the proposed subdivision and to acquaint the subdivider with the requirements, procedures and any special problems relating to the proposed subdivision.

180.20 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements and the general layout and arrangement of intended land uses, in relation to the surrounding area.

180.21 PRESENTATION TO COMMISSION AND COUNCIL. The subdivider shall present the sketch plan to the Commission and Council for review prior to incurring significant costs preparing the preliminary or final plat.

180.22 MINOR SUBDIVISION REQUIREMENTS AND PROCEDURES.

1. The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the City's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by cost of producing this data, the City herein establishes a simplified procedure for minor subdivisions.
2. Applicants for subdivisions or resubdivisions creating no more than three lots may follow the procedure set forth below provided that the subdivision meets all of the following criteria:
 - A. No new street or other public improvements shall be necessary.
 - B. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
 - C. No new well or septic system is necessary.
 - D. No off-site drainage improvements are necessary.
 - E. The buildable area of any lot meets minimum zoning requirements without being located within a 100-year flood plain, wetland or area of steep slope.
 - F. Each lot in the subdivision complies with the City's zoning standards and the Comprehensive Plan.
 - G. No variances from subdivision or zoning are required.
3. A copy of the proposed minor subdivision plat shall be prepared and submitted to the City Manager, said plat shall contain such information as required for final plats. In addition, if the subdivision utilizes wells or septic systems, the developer will also be required to comply with regulations for wells and/or septic systems.
4. If the City Manager shall determine that the Minor Subdivision Plat contains sufficient data and elements to furnish a basis for review, then the City Manager shall forward copies of the submitted plat to the City Engineer, City Attorney, and to such other agencies or persons as he may deem appropriate and necessary. Minor plat review shall not begin until, or unless all copies of the final plat and accompanying materials have been submitted.
5. Following staff review but within 20 working days following the date of receipt of an application, or such additional period as the subdivider may authorize, the City Manager shall submit the subdivision request to the City Council.
6. The City Council may approve or disapprove of the subdivision request, or they may refer the request to the Planning and Zoning Commission for their recommendation prior to making consideration of the request. In any case, the Council shall approve or disapprove the minor plat by resolution. If disapproved, the Council shall provide written reasons therefore.

7. Limitations. This section (minor subdivisions) shall not be applicable to a parcel of land of any size which has previously had a parcel severed from it. For definition purposes of this section only, a parcel of land shall mean any sized contiguous piece of property under same ownership as shown on the Delaware County Auditor's plat books as of the effective date of the ordinance codified by this section.

180.23 PLATS REQUIRED AND EXEMPTIONS ALLOWED. In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this chapter. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision may elect to omit the submission of a preliminary plat. The following divisions of land shall be exempt from subdivision requirements:

1. The public acquisition of land for the widening of existing streets or for constructing other public works.
2. A division of property through the probate of an estate, or by order of a court of law.
3. A division of property where all new lots or parcels are for agricultural purposes, all lots will be greater than 35 acres and no street, road, highway opening or widening or easement of any kind is required by these regulations.
4. The division and sale of a portion of a legally platted lot provided: (a) the grantor's lot is not rendered substandard by being in violation of any of the provisions of the building, zoning or subdivision ordinances of the city; and (b) the number of building parcels is not increased as a result of such conveyance.
5. The conveyance of an easement.
6. Adjustments of boundary lines and/or easements between two abutting parcels where such adjustments do not increase or decrease the size of either lot affected by the adjustment by more than 25 percent. No such adjustments of boundary lines shall be permitted if such adjustment would cause either affected lot to be in violation of minimum size standards, setback requirements, or other provisions of the City zoning ordinance. Any adjustment in lot lines shall be shown by plat of survey which shall be recorded in the Office of the Delaware County Recorder. The cost of recording shall be paid by the property owner.
7. Corrections to a plat.

180.24 REQUIREMENTS FOR A PRELIMINARY PLAT. The subdivider shall prepare and file with the Clerk five copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

1. Title, scale, north point and date.
2. Proposed name of the subdivision, which shall not duplicate or resemble existing subdivision names in the County.

3. Name and address of the owner and the name, address and profession of the person preparing the plat.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within 200 feet of the subdivision boundary shall be attached.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.
8. Contours at vertical intervals of not more than two feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five feet if the general slope is 10 percent or greater.
9. The legal description of the area being platted.
10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
11. The layout, numbers and approximate dimensions of proposed lots.
12. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.
13. The proposed names for all streets in the area being platted.
14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.
15. Proposed easements, showing locations, widths, purposes and limitations.
16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes or shown for such purpose in the comprehensive plan or other adopted plans.
17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
18. Unsubdivided Portion of Plat. Where the submitted plats include only part of the tract owned by the subdivider, the Planning and Zoning Commission may require a sketch of the prospective future design and systems of the unsubmitted part. The street system of the part submitted shall be correlated with the street system of the part not submitted.
19. Proposed Utility Service:
 - A. Source of water supply.
 - B. Provision for wastewater disposal, storm water drainage, and flood control, if applicable.
20. If applicable, the base flow elevation, the 100-year flood boundary location and the floodway location shall be provided. For areas where this information is not

available the approximate location of the 100-year boundary shall be given from the Flood Insurance Rate Map (areas within the City) or a Flood Hazard Boundary Map (areas outside of the City) along with an estimate of the elevation.

21. Environmental studies may be required if a proposed subdivision is located in, or near, an environmentally sensitive area.
22. Any other pertinent information as necessary.
23. The fee, as required by this chapter.

180.25 REVIEW OF PRELIMINARY PLAT.

1. The Clerk, upon receipt of one original and five copies of the preliminary plat, shall file the original in the records of the City, shall retain one copy for public inspection and shall forward the remaining copies of the plat to the City Manager.
2. The City Manager shall provide copies of the plat to the City Engineer, the City Attorney, and such other persons as necessary to review the plat. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of the City of Manchester and the State of Iowa and submit their findings to the City Manager as soon as possible, but within 30 days. Upon receipt of these findings, the City Manager shall schedule the plat for consideration by the Commission.
3. The Commission shall examine the plat and the report of the City Manager and such other information as it deems necessary or desirable to ascertain whether the plat conforms to this Code of Ordinances and conforms to the comprehensive plan and other duly adopted plans of the City. The Planning Commission shall, within 45 days after the filing of the plat with the Clerk, forward a report and recommendation regarding the plat to the Council. If such recommendation is to disapprove or modify the plat, the reasons therefore shall be set forth in writing in the report and a copy of the report and recommendation shall be provided to the applicant.
4. The Council shall examine the plat, the report of the City Manager, the report of the Commission, and such other information as it deems necessary or desirable. Upon such examination, the Council shall ascertain whether the plat conforms to this Code of Ordinances and standards of the City, conforms to the comprehensive plan and other duly adopted plans of the City and will be conducive to the orderly growth and development of the City, in order to protect the public health, safety and welfare. Following such examination, the Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the Council is to disapprove the plat or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the Council and such decisions shall be provided to the applicant. Action on the preliminary plat by the Council shall be taken within 60 days of the filing of the plat with the Clerk, unless such time period is extended by agreement between the subdivider and the City.

180.26 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the Council shall be valid for a period of two years from the date of such approval, after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the Council.

180.27 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of the preliminary plat shall not constitute acceptance of the subdivision but shall authorize the installation of improvements as required by this chapter and as shown on the preliminary plat; provided, however, no such improvement shall be constructed or installed until and unless the plan, profiles, cross sections and specifications for the construction of such improvement has been submitted to and approved in writing by the City.

180.28 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements and the agreements between the subdivider and the City.

180.29 ESCROW ACCOUNT OR PERFORMANCE BOND. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may establish an escrow account and corresponding escrow agreement or post a performance bond with the City guaranteeing that improvements not completed shall be completed within a period of two years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

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

1. The name of the subdivision.
2. Name and address of the owner and subdivider.
3. Scale and a graphic bar scale, north arrow and date on each sheet.
4. All monuments to be of record as required by Chapter 409 of the Code of Iowa.
5. Sufficient survey data to positively describe the bounds of every lot, block street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
6. All distance, bearing, curve and other survey data as required by Chapter 409A of the Code of Iowa.
7. All adjoining properties shall be identified and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a

previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

8. Street names and clear designation of public alleys.
9. Block and lot numbers.
10. Accurate dimensions for any property to be dedicated or reserved for public use and the purpose for which such property is dedicated or reserved for public use.
11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat."
13. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
15. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

180.31 ATTACHMENTS TO THE FINAL PLAT. The following shall be attached to and accompany any final plat.

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
2. The encumbrance bond, if any.
3. 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.
4. 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.

5. 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.

6. A certificate by the City Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements shall have been provided to the City. In lieu thereof, the Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney.

7. Where the improvements have been installed, a resolution accepting and approving such improvements, along with the maintenance bond required by this chapter.

8. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to property owners in the event of annexation and dedication and acceptance shall be required. In addition, if private streets are to be included in the subdivision, the Council may provide for such other and further conditions as are deemed necessary to adequately provide for maintenance and snow removal costs and responsibilities involving the private street and for the creation of a perpetual easement required for access by the general public, emergency services, and other duties which the city is required by law to perform.

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

10. The applicable fee, if any.

180.32 REVIEW OF FINAL PLATS.

1. The Clerk, upon receipt of one original and five copies of the final plat, shall file the original in the records of the City, shall retain one copy for public inspection and shall forward the remaining copies of the plat to the City Manager.

2. The City Manager shall provide copies of the plat to the City Engineer, the City Attorney and such other persons as necessary to review the plat. Each of the aforementioned officers shall examine the plat as to its compliance with the laws and regulations of the City and the State and submit their findings to the City Manager as soon as possible, but within 30 days. Upon receipt of these findings, the City Manager shall set forth such findings in writing. A copy of the findings shall be provided to the subdivider. Then the City Manager shall schedule the plat for consideration by the Commission.

3. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Council for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Commission for review, prior to review by the Council. The Planning Commission shall then review the plat and shall forward a written recommendation thereon to the council within 45 days of the filing of the plat with the Clerk. If the recommendation is to

disapprove the plat or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

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

5. Action on the final plat by the Council shall be taken within 60 days of the date of filing of the plat with the Clerk unless such time period is extended by agreement between the subdivider and the City. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Council and such decision shall be provided to the subdivider.

180.33 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified or waived.

180.34 CHANGES AND AMENDMENTS. This chapter or any provision of this chapter may be changed or amended from time to time by the Council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once not less than seven (7) or more than twenty (20) days before the date of the hearing.

180.35 CONFLICTING ORDINANCES. Nothing contained herein shall serve to abrogate, limit, repeal or otherwise modify any other ordinances or regulations except as expressly set forth herein. If any provision of this chapter conflicts with the provisions of any other part of this Code of Ordinances or with any regulations or statute, the most restrictive shall apply.

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