

## CHAPTER 166

# SUBDIVISION REGULATIONS

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**166.01 PURPOSE.** It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety and general welfare.

**166.02 JURISDICTION.** In accordance with the provisions of Chapter 354 of the Code of Iowa, these regulations are adopted by the City governing the subdivision of all lands within the corporate limits of the City, and pursuant to Section 354.9, governing subdivisions of all lands within two miles of the corporate limits.  
*(Ord. 629 – May 07 Supp.)*

**166.03 DEFINITIONS.** For the purpose of this chapter, certain terms and words are herein defined:

1. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways or ways, except alleys and the exterior boundary or boundaries of the subdivision.
2. “Building lines” shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the zoning regulations. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
3. “Commission” means the Planning and Zoning Commission of the City.
4. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.

5. "Easement" means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

6. "Engineer" means a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.

7. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

8. "Performance bond" means a surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this chapter.

9. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.

10. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

11. "Street, marginal access" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

12. "Street, minor" means a street used primarily for access to the abutting properties.

13. "Streets, collector" means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

14. "Subdivision" means the division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of

land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

15. "Surveyor" means a registered surveyor authorized to practice surveying, as defined by the Registration Act of the State of Iowa.

16. "Thoroughfare, major" means a street used primarily for fast, large-volume traffic.

**166.04 APPROVAL PROCEDURE.** Subdivision approval procedure is as follows:

1. **Owner Responsibility to File Plat.** Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said person shall cause to be prepared a preliminary plat of said subdivision, and shall submit three copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 166.11.
2. **City Engineer Review.** The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine the plat as to its compliance with the ordinances of the City, the existing street system, and good engineering practices and shall, as soon as possible, submit his or her findings to the Commission.
3. **Commission Review and Recommendation.** After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity to this chapter. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The Commission shall approve or reject such plan within 45 days after the date of submission thereof to the Commission. If the Commission does not act within 45 days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time for a period not to exceed 60 days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within 180 days after date of approval.
4. **Public Hearing.** Before approving or rejecting a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven days prior to the public hearing.

**166.05 SUBDIVISION DESIGN STANDARDS.** 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. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

**166.06 STREET DESIGN STANDARDS.** Street design standards are as follows:

1. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan of the City.
2. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than 50 feet in width, and in similar alignment, unless variations are recommended by the Commission.
3. 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 Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
4. Street Intersections. Street intersections shall be as nearly at right angles as possible.
5. Cul-de-sac. 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 105 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of 50 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 25 feet. A turnaround diameter greater than 100 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.
6. Street Names. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
8. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
9. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.
10. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall not be less than 20 feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening.
11. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
12. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.
13. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, limited access way, freeway or parkway, the street layout shall provide motor access to such frontage by one of the following means:
  - A. A parallel street, supplying frontage for lots backing onto the trafficway;
  - B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway;

C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced;

D. A service drive or alley at the rear of the lots.

Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

14. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

15. Railroads. If a railroad is involved, the subdivision plat should:

A.Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroads;

B.Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use;

C.Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereonto.

16. Street Widths. Streets shall be of such a width and cross-section as shall be approved by the Council, and said streets shall be suitable for the type of street involved.

17. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to 20 times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary to the City Engineer; for secondary and minor streets, 15 times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

**166.07 BLOCK DESIGN STANDARDS.** Block design standards are as follows:

1. Length. No block shall be longer than 1,320 feet.

2. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than 15 feet; unless at any one

intersection a curve radius has been previously established, then such radius shall be used as standard.

**166.08 LOT DESIGN STANDARDS.** Lot design standards are as follows:

1. Corner Lot Widths. Except in districts requiring a greater width, corner lots shall have a minimum width of 75 feet in order to permit adequate building setbacks on both front and side streets.

2. Double Frontage Lots Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.

3. Lot Size. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

A. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet.

B. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of 80 feet and an area of 10,000 square feet, except where greater lot sizes are specified by the Zoning Regulations.

4. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.

**166.09 REQUIRED IMPROVEMENTS.** The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with approved specifications and under the supervision of the Council and to its satisfaction.

1. Grades. All streets, alleys and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.

2. Street Surfacing. Surfacing shall be crushed limestone or other suitable material and shall be constructed in accordance with designs and specifications approved by the Council and the grades established by the City Engineer and shall be of such a depth as specified by the Council.

3. Water, Sewer, Gas and Electric Distribution. Water mains, sanitary sewer lines, gas mains and storm sewers and their appurtenances shall be

constructed and installed in accordance with the plans and specifications adopted by the Council. The Council may enter into an agreement for the construction of said facilities with the owner or developer on any basis determined by the Council to be just, equitable and fair. Water, sewer, gas and electric service shall be made accessible to each lot. The developer may request the Council to provide the materials necessary for the installation of water, sanitary sewer, gas, electric and storm sewer systems within the subdivision to be developed.

**166.10 APPROVAL OF FINAL PLAT, AND FINAL ACCEPTANCE OF IMPROVEMENTS.** Provisions for the final approval and acceptance of the final plat and improvements are as follows:

1. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the improvements required in Section 166.09 shall be constructed and accepted by formal resolution of the Council. Before passage of a resolution of acceptance, the City Engineer shall report that the improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City.

2. Waiver. The requirements for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check with the Council guaranteeing that the improvements will be constructed within a period of one year from final acceptance of the plat. However, if a performance bond 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 all construction has been completed, all in accordance with the requirements of this chapter. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

**166.11 PRELIMINARY PLAT REQUIREMENTS.** The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or his or her representative, may call at the office of the Commission in advance of submitting the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.<sup>13†</sup>

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<sup>†13</sup> **EDITOR'S NOTE:** An example of a preliminary plat is on file in the City Clerk's office.



1. Number of Copies and Scale. Three copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one inch equals fifty feet (1" = 50') on small subdivisions and one inch equals one hundred feet (1" = 100') on large subdivisions, unless otherwise approved by the Commission.
2. Contents of Preliminary Plat. The preliminary plat shall include the following:
  - A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
  - B. Name and address of recorded owner and of developer.
  - C. Name and address of engineer.
  - D. Existing buildings, railroads, underground utilities and other rights-of-way.
  - E. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
  - F. Location and names of adjoining subdivisions, and the names of the owners of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
  - G. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
  - H. Areas dedicated for public use, such as schools, parks and playgrounds.
  - I. Contour lines at intervals of not more than five feet.
  - J. Building setback lines.
  - K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
  - L. Zoning classification of the area.
  - M. Proposed utility service:
    - (1) Source of water supply.
    - (2) Provision for sewage disposal and drainage.
  - N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
  - O. Lot numbers.

3. Accompanying Material. The following accompanying material shall be included:

A. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land.

B. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

**166.12 FINAL PLAT REQUIREMENTS.** Final plat requirements are as follows: <sup>14†</sup>

1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit six copies of the final plat for review by the Commission. The scale of the map shall be one inch equals fifty feet (1" = 50') on small subdivisions and one inch equals one hundred feet (1" = 100') on large subdivisions, unless otherwise approved by the Commission.

2. Contents of Final Plat. The final plat shall include the following:

A. Name of subdivision.

B. Scale.

C. Compass point.

D. Curve data including delta angle, length of arc, degree of curve, tangent.

E. Boundary lines of subdivided area with accurate distances, bearings and boundary angles.

F. Exact name, location, width, lot designation and centerline of all streets within the subdivision.

G. Easements for public utilities showing width and use intended.

H. Building setback lines with dimensions.

I. Official legal description of the property being subdivided.

J. Lot numbers.

K. Certification of registered engineer and/or land surveyor.

L. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.

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<sup>†14</sup> **EDITOR'S NOTE:** See example of final plat on file in the City Clerk's office.

3. Accompanying Material. The following material shall accompany the final plat:

A. Plans and profiles of all streets and alleys at a 50-foot horizontal scale and 5-foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

C. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.

D. The following documents:

(1) A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.

(2) Performance 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.

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

**166.13 FEES.** Before a preliminary plat may be considered by the Commission, the subdivider or his or her agent shall deposit with the Treasurer a fee of fifty dollars (\$50.00), to be credited to the General Fund of the City.

**166.14 VARIATIONS AND EXCEPTIONS.** Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

**166.15 CHANGES AND AMENDMENTS.** Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to the hearing.

**160.16 ENFORCEMENT.** No plat or subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided unless such subdivision and streets have been approved in accordance with the provisions contained in this chapter, and accepted by the Council as a public street.

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