

TITLE V - BUILDING AND PROPERTY REGULATIONS
ZONING, LAND USE AND SUBDIVISIONSCHAPTER 125
SUBDIVISION CONTROL - PROCEDURE

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125.01 PROCEDURE. In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements of Section 125.03 and install the required improvements or provide a performance bond.

125.02 PRE-SUBMISSION CONSULTATIONS. Prior to the submission of the preliminary plat of any subdivision, the subdivider is encouraged to meet with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the procedural steps, design standards, required improvements, and platting requirements. During such meetings, no commitments shall be made which will be binding upon the City.

125.03 REQUIREMENTS OF PRELIMINARY PLAT. Every proposed subdivision shall be submitted for tentative approval in the form of a preliminary plat prior to the submission of a final record plat. The purpose of the preliminary plat and accompanying material is to provide all facts needed for the Commission and Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interest. The following graphic and descriptive material is required to be provided on the preliminary plat and in the accompanying material.

1. Contents of Preliminary Plat. The preliminary plat shall be prepared by a registered land surveyor at a convenient scale of not more than one inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The following information shall be shown on the preliminary plat:

- A. Title, scale, north point and date.
- B. Subdivision boundary lines, showing dimensions, bearings, angles and references to section, townships and range lines or corners. Exterior boundaries are to be indicated with a solid heavy line.
- C. Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights, fire hydrants and street signs.
- D. Proposed layout of blocks and lots showing dimensions, radii, chords and the square foot areas of lots that are not rectangular, and the lot and block number in numerical order.
- E. Building setback or front yard lines.
- F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community proposes.
- G. Present and proposed easements, showing locations, widths, purposes and limitations.
- H. Location and names of adjoining parcels of unsubdivided and subdivided land.
- I. The subdivider shall comply with flood plain regulations pursuant to Chapter 122, Section 12.K. Outside the area of DNR permit jurisdiction the subdivider shall provide boundaries of the highest known flood of record affecting the subdivision and the source of information.
(Ord. 847 – Sep. 02 Supp.)
- J. If the proposed subdivision borders on a lake or stream, the distances and bearings of meander line established not less than twenty (20) feet back from the mean high water mark of the lake or stream.
- K. Existing blocks, lots, and buildings.
- L. Present and proposed utility systems including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each. If the subdivision is within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.
- M. Proposed name of the subdivision.

N. Names and addresses of the owner, subdivider, builder, and surveyor who prepared the preliminary plat, and the surveyor who will prepare the final plat.

O. Official legal description of the property being platted.

P. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five percent (5%) if the general slope is ten percent (10%) or greater.

Q. Existing and proposed zoning of the proposed subdivision and adjoining property.

R. Location of all proposed monuments.

2. Information to Be Provided in Accompanying Material. The following information shall accompany a plat when filing.

A. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.

B. A table of the following information:

(1) Total acreage of subdivision.

(2) Total number of lots.

(3) Minimum, average, and maximum lot area.

(4) Acreage of public lands to be dedicated or reserved other than streets.

C. An attorney's opinion showing that the fee title to the property proposed for subdividing is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.

D. If any portion of the subdivision is to have access on a State or County jurisdictional street, a written and signed statement acknowledging and permitting the access by the duly authorized official of the appropriate jurisdiction.

E. Specifications and engineering construction drawings including profiles, cross-sections, and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards, including a site grading plan for the entire subdivision.

125.04 SUBMISSION OF PRELIMINARY PLAT. The subdivider shall prepare a preliminary plat in accordance with the provisions of Section 125.03 and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of ten dollars (\$10.00) per lot.
2. Number of Plats. Be accompanied by a minimum of twelve (12) copies of the preliminary plat.
3. Time of Submission. Be presented to the Clerk one (1) week prior to the regular meeting of the Commission.

125.05 REFERRAL OF PRELIMINARY PLAT. The Clerk shall immediately refer two (2) copies of the preliminary plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the preliminary plat to the County Board of Supervisors.

125.06 REVIEW OF PRELIMINARY PLAT. The preliminary plat shall be reviewed by the Commission to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Copies of the preliminary plat may be transmitted to other City or school officials, as the Commission deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer shall be transmitted to the Commission within three (3) weeks from the date the plat is filed. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

125.07 ACTION BY THE COMMISSION. The Commission shall, as soon as possible, but not more than thirty (30) days thereafter, pass upon the preliminary plat as originally submitted or modified. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time period not to exceed an additional sixty (60) days. It shall then set

forth its recommendations in writing, whether of approval, modification or disapproval.

1. Reasons for Changes or Disapproval. In the event that substantial changes or modifications are made by the Commission or the Commission recommends disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. Tentative Approval. If the Commission recommends approval, it shall express its approval as "Tentative Approval" and state the conditions of such approval, if any.
3. Documenting Approval. The action of the Commission shall be documented on nine (9) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and seven (7) copies shall be referred to the Council.

125.08 ACTION BY THE COUNCIL.

1. Within thirty (30) days of the receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be returned to the Commission for further review and the Clerk shall notify the subdivider of such action. If approved, the Clerk shall sign five (5) copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. One copy shall be returned to the Commission and three (3) copies shall be returned to the subdivider. The "Tentative Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

2. The Council may, upon request of the subdivider, decide to construct certain improvements itself as part of its tentative approval which improvements shall fulfill the requirements in other sections of these subdivision regulations, only as follows:

A. The City may construct water mains and fire hydrants or sewer mains which costs to the City shall be recovered by connection fees. Such rates must be established by ordinance of the Council.

(Code of Iowa, Sec. 384.84[2a])

B. The City may construct sanitary sewers or water mains under special assessment which assessment, upon request of the owner, shall not become payable until such time as the property is not used as agricultural property under Section 384.62 of the Code of Iowa.

C. The City may allow the applicant to construct street bases without concrete surfacing if it determines that the City will surface the streets later under other City programs.

125.09 EFFECTIVE PERIOD OF TENTATIVE APPROVAL. The tentative approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval must have been obtained. Any plat not receiving final approval within this period of time shall be void, and the subdivider shall be required to resubmit a new plat for tentative approval subject to all new zoning restrictions and subdivision regulations.

125.10 COMPLETION OF IMPROVEMENTS. Before the Council will approve the final plat, all of the required 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.

125.11 PERFORMANCE BOND. The completion requirement for improvements may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one year from final acceptance of the plat; but 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. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. Upon recommendation of the Commission, the Council may extend the completion date set forth in the bond for a maximum period of one additional year.

125.12 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

125.13 REQUIREMENTS OF THE FINAL PLAT. The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

1. Contents of the Final Plats. Every plat of a subdivision offered for record shall conform to the provisions of Sections 355.8 and 354.6 of the Code of Iowa. (Amended by Ordinance No. 652)

2. Attachments to Subdivision Plats. A subdivision plat shall be accompanied by the following documents:

A. Documents as provided in Section 354.11 of the Code of Iowa. (Amended by Ordinance No. 652)

B. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted with the preliminary plat, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision, or an agreement that improvements will be constructed in accordance with Section 125.08(2) of this chapter or Chapter 10 (Urban Renewal Areas) of this Code of Ordinances.

C. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

(Amended by Ordinance No. 639)

125.14 SUBMISSION OF FINAL PLAT. The subdivider shall prepare a final plat in accordance with the provisions of Section 125.13 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of ten dollars (\$10.00) per lot.

2. Number of Copies of Plat. Be accompanied by a minimum of twelve (12) copies of the final plat.

3. Offers of Dedication. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.

4. Time of Submission. Be presented to the Clerk one (1) week prior to the regular meeting of the Commission.

125.15 REFERRAL OF FINAL PLAT. The Clerk shall immediately refer two (2) copies of the final plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the final plat to the County Board of Supervisors.

125.16 ACTION BY THE COMMISSION. The Commission shall, upon receiving the final plat, as soon as possible, but not more than thirty (30) days thereafter, consider the final plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council together with a certified copy of its resolution showing the action of the Commission. If the Commission recommends approval of the final plat, such approval and the date thereof shall be noted on the plat over the signature of both the Chairperson and Secretary of the Commission and the plat and seven (7) copies shall be transmitted to the Council, and one copy shall be returned to the subdivider.

125.17 ACTION BY THE COUNCIL. Upon receipt of the certification by the Commission the Council shall, within sixty (60) days, either approve or disapprove the final plat.

1. Disapproval of Plat. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

2. Acceptance of Plat. In the event that said plat is found to be acceptable and in accordance with these regulations, the Council shall accept same.

3. Final Approval and Recording of Plat. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

125.18 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

1. Procedure for Resubdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision.

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2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

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