

## ARTICLE IX: SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

### Section 900. Purpose & Policy

The purpose of this chapter is to provide procedures and guidance for the review and consideration of all subdivisions, re-subdivision, or dedications in the incorporated areas of the City, as well as a formal review procedure, pursuant to Section 354.9 of the *Code of Iowa*, for subdivisions proposed in the unincorporated area in the two-mile area around the corporate limits of the City; implementing the City's Comprehensive Plan; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting adequacy, safety, and efficiency of the street and road system, and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing all other ordinances or resolutions in conflict herewith. This section is permitted and specifically authorized in Chapter 354 of the *Code of Iowa*.

It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city to provide for the orderly, efficient and economical development of the city. And further:

- A. To provide for accurate, clear and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems.
- B. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city or county is developing or enforcing land use regulations.
- C. To encourage orderly community development and provide for the regulations and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with an approved comprehensive plan or other specific community plans, if any.

### Section 901. General Provisions

- A. Application. This chapter applies to all plats, replats, and divisions of land into parcels lying in the incorporated area of the City, as well as the subdivision of land that is within two (2) miles of the City's corporate boundaries. The provisions of this chapter apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel on or after the effective date of the ordinance codified in this chapter.
- B. Plats within Two Miles of the City. In accordance with the provisions of Section 354.9 of the *Code of Iowa*, as amended, a proprietor or other agent shall file a copy of all preliminary and final subdivision plats, including minor plats, for the unincorporated areas within Chickasaw County that are within two miles of the City. The City may review and comment on the proposed subdivision. The City may approve, disapprove, or waive their right to review all plats within the extraterritorial area defined herein. The plat(s) shall be filed with the Zoning Administrator prior to or at the same time as filing with the County. Approval by one political entity does not automatically constitute approval by the others unless the political entities have so agreed.
- C. Subdivision Classification. Any proposed subdivision or re-subdivision shall be classified as a minor subdivision or a major subdivision by the Zoning Administrator. To aid in this, the

proprietor shall submit in writing or other appropriate documentation the principal features of access, relationship and location of existing roads, proposed water and sanitary sewer systems, public utilities and improvements, the number and location of the proposed lots and other pertinent data or information. Any subdivision may be classified as a major subdivision at the proprietor's request.

1. Subdivision, Major: A Subdivision of a real estate parcels that cannot be divided through the simple or minor subdivision process and requiring the approval of a preliminary and final plat or a CIC.
  2. Subdivision, Minor: Any subdivision containing not more than eight (8) parcels fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan or these regulations.
- D. Zoning. Any property proposed for subdivision shall be correctly zoned to accommodate the proposed uses before the subdivision process has begun.
- E. Review by Agencies. All plats shall be submitted to the Zoning Administrator and City Clerk for review prior to recording and one copy to the: Mayor and Council, Zoning Administrator, Public Works Director, City Clerk, City Engineer, Street Superintendent, Wastewater Superintendent, Water Superintendent, Fire Chief, Police Chief, and Planning and Zoning Commission. Each of the aforementioned offices shall examine the plat as to its compliance with the zoning ordinances and regulations of the City, as well as of the County and the State of Iowa, and submit their findings to the Zoning Administrator pursuant to the submittal and review process guidelines in the plat application.
- F. Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdividers shall comply with the following laws, rules, and regulations.
1. State Statues. All applicable statutes of the State of Iowa.
  2. City Plans. Any comprehensive plan, public utilities plan, capital improvements program of the city, etc.
  3. State Agency Rules. The requirements and rules of state agencies such as the State Department of Natural Resources, State Department of Health, and the State Department of Transportation, where applicable.
  4. Chickasaw County Standard and Regulations. The standards and regulations of the Chickasaw County Board of Supervisors and County Commissions, Boards, and Agencies, where applicable.
  5. City Standards and Regulations. The standards and regulations adopted by the Council, Boards, Commissions, and Agencies of the City.
  6. Plat Approval and Conformity. The Council may withhold plat approval if a subdivision does not conform with the above regulations or with the policy and purposes of these regulations.

## **Section 902. Subdivision Design Standards**

The standards and details of design herein contained are intended only as the 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 the plat, the proprietor should use standards consistent with the site conditions so as to assure an economical, pleasant and desirable neighborhood, and shall conform to design standards as approved by the Planning & Zoning Commission and the City Council.

## **Section 903. Land Suitability**

No land shall be subdivided for residential purposes that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare unless such suitable conditions are corrected to the satisfaction of the City.

- A. If a subdivision is found to be unsuitable for any of the reasons cited in this section, the Planning and Zoning Commission or City Council shall state its reasons in writing and afford the proprietor an opportunity to present data regarding such unsuitability. Thereafter, the Commission or Council may re-affirm, modify, or withdraw its determination of unsuitability.
- B. All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and planned installations. All land in a subdivision that lies in a floodplain shall be:
  - 1. Identified as such on the individual lots in the preliminary plat, and
  - 2. Encouraged to remain as open space for use by all proprietors of lots in the subdivision with an appropriate instrument providing for its care by such proprietors.
- C. Subdivisions (including mobile home parks and/or tiny houses) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards.

## **Section 904. Design Standards for Streets**

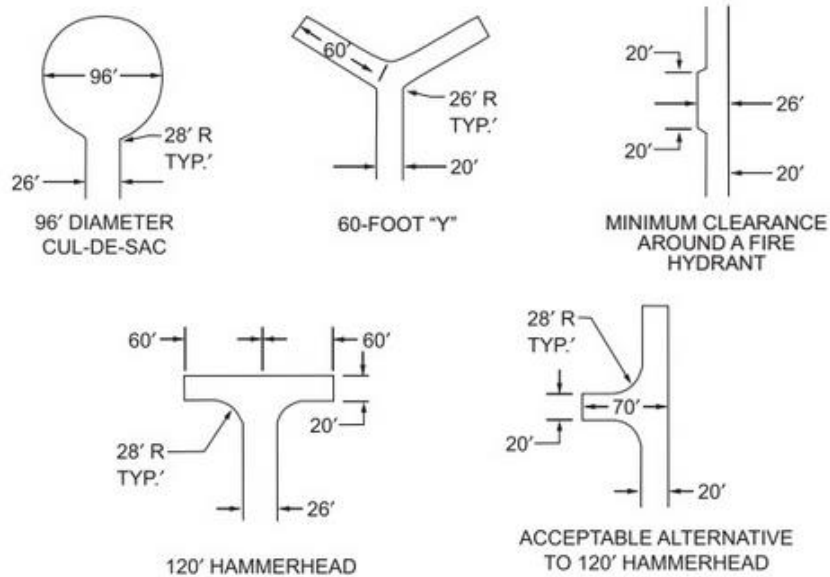
In order to provide for streets of suitable location, width, and improvements to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and street maintenance equipment; and coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required:

- A. **Frontage on Improved Roads.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing public street.
- B. **Grading and Improvement Plan.** Streets shall be graded and improved, and conform to city construction standards and specifications in which shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.
- C. **Topography and Arrangement.** Streets shall be in conformance with the following requirements related to topography and arrangement:

1. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
  2. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.
  3. All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
  4. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  5. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most adventurous future development of adjacent tracts.
  6. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrians.
- D. Access to State or County Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under state or county jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.
- E. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lots access to such streets be limited by one of the following means:
1. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.
  2. A series of cul-de-sacs entered from and designed generally at right angles to such parallel street, with the rear lines of their terminal lots backing onto arterial street.
  3. A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.
- F. Private Streets. Private streets, not dedicated to and accepted by the City, proposed after the effective date of the ordinance codified in this article are discouraged. If private streets are

utilized, they shall be built to public standards, and they shall be platted as such and be under the control of the subdivision, homeowners' association, and/or proprietor. Private streets shall be a minimum of twenty-four (24) feet wide.

- G. 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 to those defined in subsection N of this section.
- H. 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 City so as to not impede the future growth and development of the community. In a case where a street will eventually be extended beyond the plan, but is temporarily dead-ended, an interim turnaround shall be required and built to City standards.
- I. Street Intersection. Street intersections shall be as near to right angles (90 degrees) as possible. Street offsets shall be discouraged; however, if permitted, there shall be a minimum of 150 feet offset between centerlines of intersecting streets. All other street intersection specifications shall comply with the Iowa Statewide Urban Design and Specification minimum standards.
- J. Cul-de-Sac. If a cul-de-sac is permitted, such street shall be no longer than 500 feet and shall be provided at the closed end with a turn-a-round having a street property line diameter of at least 110 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-a-round shall be equal or greater to those defined in subsection N of this section. The property line at the intersection of the turn-a-round and the lead-in portion of the street shall be rounded at the radius of not less than thirty (30) feet. A paved cul-de-sac with concrete curb and gutter shall have a minimum paved diameter of ninety (90) feet measured from the back of the curb to back of curb.
  - 1. Permanent Dead-end Streets. A cul-de-sac turnaround or some form of a dead-end fire apparatus access road turnaround shall be required per the International Fire Code.



- K. Street Names. All newly platted streets shall be named in a manner consistent with the present street name system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended through the various portions, shall bear the same name. New street names shall be subject to the recommendation of the Commission and approval by the Council so as to avoid duplication or similarity of names.
1. Street Name Signs. Street names signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the council. The City Street Department shall install all street name signs at the expense of the developer.
- L. Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the Council and shall be installed by subdivider prior to final subdivision approval.
- M. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded area, and other natural features which would lend themselves to attractive treatment.
- N. Half Streets. Dedication of a half street, which is defined as the area between the right-of-way line and centerline of one side of a street, will be prohibited unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if recommended by the Commission and approved by the Council.
- O. 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-ended alleys shall be provided with a means of turning around at the dead end thereof. Alleys shall have a right-of-way of not less than thirty (30) feet and a roadway width of not less than twenty (20) feet.
- P. Easements.
1. No structures, fences, or landscaping shall be constructed or placed on an easement.
  2. Easements for utilities (water and sewer), when necessary, shall be provided along rear or side lot lines or along alleys. The width of such easement shall be not less than twenty (20) feet in total width. In the event that there exists an easement in an adjacent subdivision, the twenty (20) foot requirement may be reduced to ten (10) feet to allow for a minimum of twenty (20) foot total easement. An easement may need to be expanded to thirty (30) feet if such service is deeper than six (6) feet.
  3. A ten (10) foot easement shall be required in the front yard.
  4. Whenever a subdivision is traversed by a waterway, channel, drainage way, stream, sanitary sewer, or storm water drainage structure, a storm water easement or drainage easement may be required. The width of such easement shall be adequate for the anticipated drainage, but not less than twenty (20) feet and shall be shown on the plat. All stormwater drainage ways, at a minimum, shall be rip rapped to preserve the and protect stormwater easement.

5. Lots with no street frontage are discouraged; however, any lot that has no frontage upon a public or private street shall be provided with an easement for access to a public or private street. The width of such easement shall not be less than thirty-three (33) feet.
  6. Easements to the City for street purposes shall not be allowed.
- Q. Neighborhood Plan. If any overall plan has been approved by the City for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
- R. Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the proprietor, the Commission may require a sketch of the prospective future development of the unsubmitted part. The street system of the part submitted shall be correlated with the street system of the part not submitted.
- S. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited access way, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:
1. Be so arranged as to permit, where necessary, future grade separations at highway crossings.
  2. Border the highway with a parallel street at a sufficient distance from it to permit deep lots to go back onto the highway; or form a buffer strip for park, commercial, or industrial use.
- T. Street Right-of-Way Width, Lanes, and Surface Widths. The number of lanes, size of right-of-ways, and street surface widths shall be classified using the following standards:
1. Municipal arterial streets shall have a right-of-way width of not less than eighty (80) feet and a roadway width of not less than forty-four (44) feet.
  2. Municipal collector streets shall have a right-of-way width of not less than sixty-six (66) feet and a roadway width of not less than thirty-six (36) feet.
  3. Municipal service streets shall have a right-of-way width of not less than sixty-six (66) feet and a roadway width of not less than thirty-four (34) feet.
  4. Frontage streets shall have a right-of-way width of not less than forty (40) feet and a roadway width of not less than twenty-six (26) feet.
  5. Excess Right-of-Way. Right-of-Way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one (1).
- U. Street Alignments. Streets and alleys shall be completed to grades that have been officially determined or approved by the City Council. All streets shall be graded to within two (2) feet of the right-of-way and adjacent sides slopes graded to blend with the natural ground level. The maximum grade shall not exceed the following:
1. Municipal arterial streets – six percent (6%);

2. Municipal collector streets – eight percent (8%);
3. Municipal service streets – ten percent (10%); and
4. Frontage streets – six percent (6%).

The minimum grade for any street shall not be less than one-half of one percent. A minimum centerline radius of one hundred and fifty (150) feet shall be required of all streets. All street alignments, both horizontally and vertically, shall meet design criteria as specified in the current American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets.

- V. **Street Surfacing and Improvements.** After sewer, water, and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the regulations above. Said surfacing shall be of Portland concrete. Adequate provisions shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications per Iowa Statewide Urban Design and Specifications.
- W. **Railroads and Limited Access Highways.** Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
  1. In residential districts, a buffer strip of at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."
  2. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
  3. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- X. **Bridges.** Bridges of primary benefit to the applicant, as determined by the Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the council, will be fixed by special agreement between the council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his or her land developed and so served.

#### **Section 905. Design Standards for Blocks**

- A. No block shall be longer than one thousand (1,000) feet, nor be less than three hundred (300) feet. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.



- B. Blocks shall have sufficient width to provide for two (2) tiers of lots. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways or where suitable provisions is made for appropriate future development in conformance herewith.
- C. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet. However, where a curve radius has been previously established, such radius shall be used as standard if greater than twenty-five (25) feet.
- D. In blocks over five hundred (500) feet in length, the council may require the reservation of an easement to accommodate utilities, drainage facilities, or pedestrian traffic.
- E. Pedestrian crosswalks, not more than seven (7) feet wide, may be required by the council through the center of blocks more than five hundred (500) feet in length. Pedestrian crosswalks shall conform with SUDAS requirements.

**Section 906. Design Standards for Lots**

- A. Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets in accordance with the Zoning Ordinance.
- B. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- C. Minimum lot sizes and dimensions, as defined in the Article IV of this Ordinance, shall be met.
- D. Side lot lines shall be approximately at right angles (90 degrees) to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.
- E. All outlots shall be noted as unbuildable on plats and shall be denoted with a letter rather than a number on the final plat or minor plat.
- F. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

**Section 907. Improvements Required**

No final plat shall be approved by the Planning and Zoning Commission without receiving a statement signed by the City Engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of the City, County, State and other authorities having jurisdiction. The subdivider will be required to furnish the City Engineer with any engineering calculations, including storm drainage computations, pertinent to the subdivision which he may require to adequately check the design. Improvements shall also comply with the following sections. Unless otherwise stated in this Article, all improvement costs shall be borne by the developer.

- A. Streets and Roads. In addition to Section 904, all streets or roads intended to be dedicated to public use and accepted into the City street system shall meet the following criteria:

1. All streets shall be built to grade and standard cross-section according to the plans approved by the City Engineer and City Council prior to construction. Both plan and profile view details shall be drawn on minimum 22 x 34-inch sheets to a scale of one (1) inch equals twenty (20) feet horizontal and one (1) inch equals four (4) feet vertical. If feasible, 11 x 17-inch plans drawn to a scale of one (1) inch equals forty (40) feet horizontal and one (1) inch equals eight (8) feet vertical shall be acceptable.
2. All streets shall be paved with Portland Cement Concrete (PCC) and have Portland Cement Concrete (PCC) curb and gutter, which is a minimum of thirty (30) inches wide.
3. All construction and materials shall conform to the current Iowa Department of Transportation standard specifications and special provisions.
4. Forty-eight (48) hour advance notice to the City of construction of a street is required.
5. All designs, specifications, material, inspection results, and procedures shall be certified to the City Public Works Director and City Engineer by a licensed engineer. All roads to be dedicated to the City may be inspected by the City, with the cost of said inspection being reimbursed to the City by the Proprietor.

B. Utility Service Systems.

1. Public sanitary sewers and water systems shall be installed within the street right-of-way or established easements as required by the State and local ordinances.
  - a. All water mains and appurtenant facilities shall be designed and constructed in accordance with standards and specifications for water mains. Plans shall be prepared by a registered Civil Engineer in the State of Iowa. Mains shall be 6-inch or larger as necessary to meet service and fire flow demand, and completed with necessary valves, stop boxes, and fittings. Fire hydrants shall be spaced at a maximum of six-hundred (600) feet in residential areas; three-hundred (300) feet in multi-family, commercial, and industrial areas, and not greater than two-hundred and fifty (250) feet from major structures.
  - b. All sanitary sewers and appurtenant facilities shall be designed and constructed in accordance with the City's standards and specifications for sanitary sewers as well as in accordance with the Iowa Department of Natural Resources standards. Plans shall be prepared by a registered Civil Engineer in the State of Iowa. They shall be designed to meet the ultimate flow requirements as determined by the City Engineer. They shall be extended as far as necessary to accommodate its future extension. The minimum sewer pipe size shall be eight inches at a minimum grade of 0.4 percent.
  - c. If public sanitary sewers and water systems are not reasonable accessible in the discretion of the Council, individual wells and sanitary disposal systems may be utilized as long as all state regulations are met. All proper permits shall be obtained prior to installation of wells or disposal systems.
2. Gas mains shall be installed within the street right-of-way or an established easement of at least ten (10) feet in width.

3. Electric and telephone lines shall be installed within the street right-of-way or established easements of at least ten (10) feet in width.
4. Streetlights shall be installed within the street right-of-way or established easements.
5. Sidewalks shall be installed for all new subdivisions and must comply with all sidewalk regulations outlined in the City Code, along with SUDAS. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to circumstances.
6. All subdivisions, and their lots, that are located within the incorporated boundaries of the City shall be required to connect to municipal utilities.
7. All utility service systems shall be subject to approval by the City Public Works Director, City Engineer and City Council.

C. Storm Drainage.

1. Plans shall be prepared by a registered Civil Engineer in the State of Iowa and verified by the City Engineer. Facilities shall be designed to convey drainage through the site equivalent to the 100-year storm in a developed state. On-site drainage facilities shall be designed to provide sufficient detention facilities to reduce the release rate to the equivalent of a 5-year recurrence interval storm when the property was in an undeveloped state. They shall be extended as far as necessary to accommodate footing drain water discharge and to serve adjacent tributary properties.
2. Natural waterways shall be maintained and protected.
3. If the development covers an area of one or more acres, the applicant must have the necessary Iowa Department of Natural Resources permits.
4. Stormwater inlets/intakes shall be provided so that surface water is not carried across or around any intersection, not for a distance more than four-hundred (400) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.
5. Dedication of Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose.
  - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-way, perpetual unobstructed easements shall have a minimum width of fifteen (15) feet in width on each side of the sewer center line for such drainage facilities shall be provided across the property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat.
  - b. Sump Pumps. Where storm sewers are required, all lots adjacent thereto shall be provided with connections for sump pumps to the main prior to approval of any plat,

the inlet for which connections shall be installed on each lot and not in the right-of-way. The location of such connections shall be shown on either the preliminary or final plat, and shall be provided with the “as-builts.”

- D. Utility Locations. The proposed location, alignment, and sizes of all existing public utilities shall be shown on the preliminary plat. All utilities shall be located underground, unless waived by the City Council. Approval of the preliminary plat will form the basis of final designs of all improvements. All underground utilities that will be located within the street right-of-way or established easement of at least ten (10) feet in width shall be constructed, and service provided to each lot, before acceptance of the improvements by the City.
- E. Street Signs and Traffic Control Devices. To ensure uniformity with New Hampton’s street signage system, all street name signs and traffic control signs shall be erected in conformance with the *Manual of Uniform Traffic Control Devices* (MUTCD) and E-911 requirements. The City will be responsible for all costs associated with sign erection and maintenance.
- F. Mailboxes, Including Newspaper Boxes. While curbside mailboxes may be installed in developments constructed and already receiving mail service before the adoption of this section, the mailbox owner must comply with the following installation requirements:
  - 1. The bottom of the mailbox shall be 42 inches from the top of curb. On streets without curbs, the bottom of the mailbox shall be 48 inches from the edge of pavement, as defined by USPS installation requirements.
  - 2. Lateral placement of the mailbox shall be 6 inches to 8 inches from the face of the curb, as defined by USPS installation requirements.
  - 3. The mailbox support post shall be of a “breakaway support” design, as defined by AASHTO.
  - 4. The post-to-box attachment shall be of sufficient strength to prevent the box from separating from the post if a vehicle strikes the post.
- G. Parking. The depth and width of properties reserved and designed for residential, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in Section 704 of this Ordinance.
- H. Sidewalks. Sidewalks may be required by the City Council if they are considered necessary for the general welfare and safety of the community. If sidewalks are not required by the City, the developer shall provide for uniform grading throughout their development so that they may be installed in the future.
- I. SUDAS. The City, at its discretion, may use Statewide Urban Design And Specifications (SUDAS) standards as a guide for requiring improvements construction standards.

### **Section 908. Subdivisions of Land**

A simple lot division is defined as the division of land into two (2) but not more than three (3) lots, parcels or other division of land for sale, development or other use. Parcels receiving approval of division yet unrecorded are not considered legal divisions, unless the land owner can demonstrate a legal basis for

lack of recordation. A parcel may be divided no more than twice, and into no more than three (3) total parcels without subdividing through a major or minor subdivision process, in accordance with the remaining provisions of this Section. A simple lot division application shall be obtained from the Zoning Administrator and upon approval shall be submitted to the Chickasaw County for finalization. A simple lot division is completed through the plat of survey process. According to *Iowa Code 355.7* a plat of survey shall be made, showing information developed by the survey, for each land survey performed for the purpose of correcting boundaries, correcting descriptions of surveyed land, or for the division of land. Each plat of survey shall conform to the following provisions:

- A. The original plat drawing shall remain the property of the surveyor.
- B. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches (8 ½” x 11”).
- C. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.
- D. An arrow indicating the northern direction shall be shown on each plat sheet.
- E. The plat shall show that the survey is tied to a physically monumented land line which is identified by two (2) United States public land survey system corners, or by two (2) physically monumented corners of a recorded subdivision.
- F. The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines. Recorded with one of the following (show recorded bearing, length, or location). Bearings and angles shown shall be given to at least the nearest minute of arc.
- G. The plat shall show and identify all monuments necessary for the location of the parcel and shall indicate whether the monuments were found or placed.
- H. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.
- I. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed. If additional monuments are to be placed subsequent to the recording of a subdivision as provided in *Iowa Code 355.6*, the location of the additional monuments shall be shown on the plat.
- J. Distance shall be shown in decimal feet in accordance with the definition of the U. S. survey foot. Distance measurements shall refer to the horizontal plane.

- K. Curve data shall be stated in terms of radius, central angle, and length of curve, and as otherwise specified by local ordinance. In all cases, the curve data must be shown for the line affected.
- L. The unadjusted error of closure shall not be greater than one in five thousand for an individual parcel.
- M. If any part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary and shown with as much certainty as can be determined or as “more or less”, if variable. In all cases, the true boundary shall be clearly indicated on the plat.
- N. The plat shall be captioned to show the date of the survey and shall be accompanied by a description of the parcel.
- O. The plat shall contain a statement by a surveyor that the work was done, and the plat was prepared by the surveyor or under the surveyor’s direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor’s Iowa license number and legible seal.

**Section 909. Preliminary Plat Requirements and Procedures (Major Subdivisions)**

- A. Pre-Preliminary Plan and Conference. Each proprietor of land wishing to subdivide is required to meet with Zoning Administrator, City Public Works Director, City Engineer, Street Superintendent, Water & Sewer Superintendent, Fire Chief, and City Clerk before preparing the preliminary plat in order to become familiar with City regulations affecting the territory in which the proposed subdivision lies. A pre-preliminary plat or sketch plan of the general street and lot layout shall be presented to the City at that time, so that the City Officials may review it and alert the developer to any known development constraints that may exist or arise.
- B. Number of Copies. Whenever the proprietor of any tract or parcel of land within the incorporated area of the City wishes to subdivide or plat the same, the proprietor shall cause to be prepared a preliminary plat of said subdivision, and shall submit twenty (20) copies of said preliminary plat and supportive information, one of which shall be scalable and the remaining may be reduced in size, to the Zoning Administrator for preliminary study and approval. The preliminary plat shall be submitted to the Zoning Administrator a minimum of twenty-one (21) days prior to Planning and Zoning Commission consideration.
- C. Referral of Preliminary Plat. The developer shall refer one copy each to the Zoning Administrator, Mayor and City Council, City Clerk, City Engineer, Street Superintendent, Water & Sewer Superintendent, Fire Chief, Police Chief and Planning and Zoning Commission. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of the City and submit their findings to the Zoning Administrator as soon as possible, but within thirty (30) days. In the case of the subdivision outside the corporate limits of the city, copies of the preliminary plat shall be referred to the County Board of Supervisors and any other County Officials.
- D. Contents of Preliminary Plat. Preliminary plats shall contain, include, or show the following requirements.

1. Name or title of subdivision, date, an arrow indicating the northern direction, and the legal description of the property being platted. Name or title shall be approved by the Chickasaw County Auditor and the City Zoning Administrator.
2. Plats shall be drawn on sheets not larger than 24 inches by 36 inches. The scale of the plat, preferably one-inch equals 100 feet, shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one sheet shall show match lines and references.
3. Name and address of the proprietor, if different than the owner.
4. Name and address of proprietor's engineer or surveyor.
5. A table of the following:
  - a. Total acreage of subdivision;
  - b. Total number of lots;
  - c. Minimum, average, and maximum lot area; and
  - d. Acreage of public lands to be dedicated or reserved other than streets.
6. Existing buildings, railroads, utilities, and other rights-of-way.
7. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided. Street names shall be approved by the City Public Works Director.
8. Proposed lot lines with approximate dimensions and the square foot area of each lot.
9. Areas dedicated for public use, such as schools, parks, playgrounds, recreational trails, or green space. The City's objective is to develop and maintain a functioning park and recreational system that is geographically distributed throughout the community and where a minimum citywide ratio of at least two acres of open space per 1,000 residents is maintained.
10. Contour lines shown at intervals of two feet (2').
11. Building setback lines.
12. Boundaries of the proposed subdivision shall be indicated by a heavy black line.
13. Existing zoning of the proposed subdivision, as well as the existing zoning of the adjoining property or properties.
14. Proposed utility service:
  - a. Source of water supply.

- b. Provision for sewage disposal, storm water drainage, and flood control, if applicable.
15. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
  16. Lots shall be numbered in a way that is acceptable to the County Auditor's office.
  17. Existing and proposed easements showing widths and purposes of said easements.
  18. If applicable, the regulatory flood elevation data limits of the 100-year floodplain boundaries, original and revised, must be shown.
  19. A complete list of all existing and/or proposed covenants which apply to the land to be subdivided.
  20. Environmental studies may be required if a proposed subdivision is located in, or near, an environmentally sensitive area.
- E. Accompanying Material.
1. The proprietor shall also submit engineering documents regarding installation of the improvements with the preliminary plat.
  2. The proprietor's engineer shall also submit preliminary engineering calculations regarding sizing of the proposed improvements with the preliminary plat.
  3. The proprietor's engineer shall include a completed subdivider plat checklist as shown in the city plat application with the preliminary plat.
- F. Review & Action by the Planning and Zoning Commission. Upon receipt of the report of the various offices referred to in Section 901 above, the Commission shall review said plat, consider said reports, negotiate with the proprietor on changes deemed advisable and the kind and extent of improvements to be made, and take action upon the preliminary plat as originally submitted or modified. If a subdivision is not recommended for approval, the Commission shall give written reasons therefor. A preliminary plat may require more than one Commission review. The Commission shall, as soon as possible, pass upon the preliminary plat as originally submitted or modified. If the Commission does not act within sixty (60) 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 reasons thereof in writing and it may request and cause the revised preliminary plat to be re-submitted 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 based the findings of fact of such approval, if any.

G. Action by City Council.

1. Whether or not a preliminary plat is recommended for approval by the Commission, the Commission shall refer the preliminary plat to the Council for action. The Council shall then take action upon the preliminary plat not more than sixty (60) days after the initial receipt of the preliminary plat by the Zoning Administrator. The Council may certify its approval or disapproval of the preliminary plat. If approved, the preliminary plat shall be certified by a motion. If the preliminary plat is disapproved, the Council shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal to district court, within twenty (20) days, the failure of the Council to issue approval of the preliminary plat as provided in this chapter.
2. The approval of the preliminary plat by the Commission or the Council does not constitute acceptance of the subdivision, but shall authorize the proprietor to proceed with preparation of the final plat.
3. The approval of a preliminary plat by the City Council shall be valid for a period of one year from the date of such approval, except upon application for and approval of an extension of such period of validity, by the City Council. After one or more lots have been final platted, the preliminary plat is valid until such time that it is replaced by another preliminary plat.

H. 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 subdivider’s engineer shall report that said improvements meet all city specifications and ordinances or other city requirements. The city engineer or his /her designee shall review said report and recommend the plat for approval by the council after making a physical inspection of the site.

I. 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 with a period of one (1) 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 of surety, 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 (1) additional year.

**Section 910. Final Plat Requirements and Procedures (Major Subdivisions)**

The final plat shall conform substantially to the approved preliminary plat, and if desired by the subdivider, it may only constitute only that portion of the approved preliminary plat that they wish to have reviewed by the City at that time, provided said portion conforms to all of the regulations contained herein.

- A. Number of Copies. Within one year of approval of the preliminary plat, or extension thereto the proprietor shall submit twenty (20) copies of the final plat, one (1) of which shall be scalable and the remaining may be reduced in size, for review by the Zoning Administrator. Final plat review shall not begin until, or unless, all copies of the final plat and accompanying material have been submitted to the Zoning Administrator and City Clerk a minimum of twenty-one (21) days prior to Commission consideration. The size of each plat sheet shall not be less than a 11" x 17".
- B. Referral of Final Plat. The developer shall refer one (1) copy each to the Zoning Administrator, Mayor and City Council, Public Works Director, City Clerk, City Engineer, Street Superintendent, Water & Sewer Superintendent, Fire Chief, and Police Chief, and Planning and Zoning Commission. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of the City and submit their findings to the Zoning Administrator as soon as possible, but within thirty (30) days.
- C. Contents of Final Plat. Final plats shall contain, include, or show the following requirements:
1. Name of subdivision and proprietor.
  2. Plats shall be drawn on sheets not larger than 24 inches by 36 inches. The scale of the plat, preferably one-inch (1") equals 100 feet, shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one (1) sheet shall show match lines and references.
  3. An arrow indicating the northern direction.
  4. Curve data including delta angle, length of arc, degree of curve, and length and direction of the chord.
  5. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles. The unadjusted error of closure shall not be greater than one in 10,000 for subdivision boundaries and shall not be greater than one in 5,000 for an individual lot. The areas of irregular lots within the plat shall be shown and may be expressed in either acres to the nearest one-hundredth acre, or square feet to the nearest ten (10) square feet.
  6. Exact name, location, width, and designation of all streets within the subdivision. Additionally, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and have the proposed use clearly designated.
  7. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage or access easements as are deemed necessary for the orderly development of the land encompassed within the plat.
  8. Building setback lines with dimensions.
  9. Legal description of the property being subdivided.
  10. Lot numbers.

11. Certificate of Survey.
12. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.
13. A table that lists coordinate values for all property corners.
14. A stamp or signature block for the Mayor and City Clerk evidencing the City Council's approval of the final plat.

D. Accompanying Material.

1. The documents required by the *Code of Iowa*:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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*.
  - e. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
2. A copy of any proposed restrictive covenants, which shall be submitted for the purpose of review and recommendation by the City Attorney.
3. Any dedication or easement to the City for any property intended for public use.

4. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be 11 x 17-inch plans drawn to a scale of 40-foot (40') horizontal and 4-foot (4') vertical with west or south at the left.
  5. A certificate by the Public Works Director or similar official that all required improvements and installations have been completed satisfactorily.
  6. Any other security documents, including performance bond, if required.
  7. A maintenance bond, four (4) years on pavement, two (2) years on utilities.
  8. The proprietor's engineer shall include a completed Subdivider Plat Checklist as shown in the City Plat Application with the final plat.
- E. Review by the Planning and Zoning Commission. The Commission shall review the final plat and forward its recommendation to the Council, according to the procedures outlined in Section 909.
- F. Action by the City Council.
1. Upon receipt of the final plat and the required documents from the Commission, the Council will consider the recommendations from the reviewing offices. The Council shall approve or disapprove of the final plat within sixty (60) days of the filing of the application for final approval. If approved, the preliminary plat shall be certified by resolution. If the final plat is not approved, the Council shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal to district court, within twenty (20) days, the failure of the Council to issue approval of the final plat as provided in this chapter.
  2. The passage of a resolution by the City Council accepting the plat shall constitute final platting approval for the area shown on the final plat. The proprietor shall cause such plat to be recorded in the office of the Chickasaw County Recorder as required by Chapter 354, *Code of Iowa*, before the City shall recognize the plat as being in full force and effect.
- G. Resubdivision of Land. The following requirements shall govern the resubdividing of land:
1. Procedure for Resubdividing. For any change in 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.
  2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing more than one (1) 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 extensions of such streets may be made a requirement or condition of the plat.

H. Improvements.

1. All standards and improvements described in this Article shall be installed at the cost of the developer, unless otherwise stated, in accordance with the approved plans and specifications before acceptance of the final plat by the Council unless the proprietor and the Council have entered into an agreement pursuant to paragraph 3 below. The subdivider shall furnish the council with a construction schedule prior to the commencement of any and all construction, and notify the city not less than twenty-four (24) hours in advance of readiness for required inspections. All improvements shall be inspected by the proprietor's engineer and may also be inspected by the City Engineer. The proprietor's engineer shall certify to the Council that the improvements were constructed in compliance with these regulations, as well as provide "as-built" drawings thereof. If inspected by the City Engineer, the cost of said inspection shall be borne by the developer. All improvements shall be constructed under the supervision of and to the Council's satisfaction and all improvements to be dedicated to the city shall be free and clear of all liens and encumbrances on the property and public improvements this dedicated.
2. Subdivisions may be developed in phases, provided the proposed phasing of public improvements is acceptable to the Council and Engineer.
3. The completion requirement may be waived in whole or in part by the Council. Before acceptance of the improvements by the Council or before waiver of the completion requirement, the proprietor may enter into an agreement with the Council to ensure the completion of the improvements within a specified time period. If an agreement is entered into, it shall specify the improvements to be constructed, the schedule for completion of the construction (each phase not to exceed three years) and shall be accompanied with a performance bond, corporate surety bond, cash, letter of credit, or other surety, in an amount equal to one-hundred and twenty percent (120%) of the estimated cost of said improvements. Said performance bond, corporate surety, bond, cash, letter of credit or other surety shall be approved by the City Attorney.
4. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the council. If there are any certificates of occupancy on a street not dedicated to the city, the city may on twelve (12) hours' notice plow the street or effect emergency repairs and charge the same to the applicant.
5. The proprietor of the land being platted shall be required to provide to the City property maintenance bonds, or other means satisfactory to the City Engineer and City Attorney, so as to insure that for a period of four (4) years from the date of acceptance and completion of any street improvement, two (2) years for utilities, the proprietor shall be responsible for maintaining the improvements in good repair.
6. No certificate of occupancy shall be issued until the extent of street improvement is adequate for vehicular access by the prospective occupant and by police and fire equipment.

I. Performance Bond. The council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an

alternative, the applicant post a bond at the time of application for final plat approval in the amount estimated by council as sufficient to secure to the city the satisfactory construction, installation, and dedication of the incompleted portion of required improvements.

1. Approval by City Attorney. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
2. Completion Period. The period within which required improvements must be completed shall be specified by the council in the resolution approving the final plat, shall be incorporated in the bond, and shall not exceed one (1) year from the date of final approval.
3. Extension of Completion Period. The performance bond shall be approved by the council as to the amount and surety and conditions satisfactory to the council. The commission may, upon proof of difficulty, recommend to the council extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The council may at the time during the period of such bond accept a substitution of principal or sureties on the bond.
4. Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the council and shall maintain same for the period specified by the council. Prior to construction of n temporary facility or improvement, the developer shall file with the city a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.
5. Failure to Complete Improvement. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the city may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

#### **Section 911. Minor Subdivision Requirements and Procedures**

- A. The proprietor shall prepare the proposed minor subdivision plat and shall submit twenty (20) copies, one of which shall be full-size and the remaining may be reduced in size, to the Zoning Administrator. Said plat shall contain such information as required by this Article in Sections 910 (C) and (D), or as may be specified by the Zoning Administrator.
- B. If the Zoning Administrator shall determine that the “minor subdivision plat” contains sufficient data and elements to furnish a basis for review, then the Zoning Administrator shall forward copies of the submitted plat to the Public Works Director, City Engineer, and to such other agencies or persons as may be deemed appropriate and necessary.
- C. Review by Agencies. Within ten (10) working days following receipt of an application by the Zoning Administrator:

1. The City Engineer shall notify the Zoning Administrator that access onto the city street will or will not be granted and that other improvements do or do not conform to current standards.
  2. The City Engineer and/or the Public Works personnel shall notify the Zoning Administrator that the land so proposed to be subdivided will comply with all applicable City, County, and State standards, and that the proposed or existing system of water supply complies with applicable City, County, and State standards.
  3. Other agencies or persons shall inform the Zoning Administrator of factors they deem appropriate and necessary.
- D. Upon receipt of an application, or such additional period as the proprietor may authorize, the Zoning Administrator may schedule a public hearing on the subdivision request with the Planning and Zoning Commission. The minor subdivision plat shall be reviewed by the Planning Commission in accordance with Planning Commission review of a final plat. A recommendation shall then be sent off to the Council for final decision of the plat. The Council shall act upon the minor plat not more than sixty (60) days after the initial receipt by the City Clerk.
- E. The Council may approve or disapprove of the subdivision request, or they may refer the request back to the Commission for their recommendation prior to considering the minor plat. If approved by the Council, the minor plat shall be certified by resolution. In the event that a minor subdivision plat is not approved, the Council shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal, within twenty (20) days to district court, the failure of the Council to issue final approval of the minor plat as provided in this chapter.
- F. The passage of a resolution by the Council accepting the plat shall constitute final approval for the area shown on the minor plat. The proprietor shall cause such plat to be recorded as required by Chapter 354, *Code of Iowa*, before the County shall recognize the plat as being in full force and effect. The proprietor shall record the plat within sixty (60) days after Council approval and shall be responsible for all recording costs. In addition, eight (8) copies of the approved minor plat and adopting resolution as well as one (1) copy of the completed plat proceedings with restrictive covenants shall be submitted to the Zoning Administrator by the proprietor.
- G. Limitation. This section shall not be applicable to a parcel of land of any size which has previously had a subdivision severed from it since the effective date of the ordinance codified in this chapter. For definition purposes of this section only, a parcel of land shall mean any sized contiguous piece of property under same ownership as the severed subdivision as shown on the County Auditor's plat books as of the effective date of this chapter.

**Section 912. Planned Unit Development (PUD) Provisions**

- A. A PUD is a type of development where the City of New Hampton may allow greater flexibility than otherwise allowed under the Zoning and Subdivision Ordinance in return for a coordinated development that provides public benefits not otherwise part of the development process. Flexibility in the regulations and standards of this Ordinance is only granted to the extent it is expressly set out the flexibility expressly granted in the approval of the PUD shall apply and the PUD is otherwise subject to all applicable regulations and requirements.

- B. Minimum area. A planned unit development shall contain a minimum contiguous area of one (1) acre.
- C. Flexibility options will be provided upon the applicants' agreement to provide a selection of amenities including but not limited to the following items:

| <u>Amenity</u>                                | <u>Standards</u>   |
|---|--|
| Active uses as part of a parking garage       | Include housing, office, or other active uses around the perimeter of all floors of a parking garage that face a public street, sidewalk, or pathway.  |
| Green roof                                    | Installation of a green roof system that covers a minimum of fifty percent (50%) of the total roof area proposed for the development.  |
| Historic preservation                         | Preservation, rehabilitation or restoration of designated historic landmarks as a part of the development.   |
| Public right-of-way dedication & construction | Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved capital improvements plan. Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.   |
| Conservation of the built environment         | Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.  |
| Garden(s) or on-site food production          | Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment. |
| On-site renewable energy                      | Use of a photovoltaic or wind electrical system, solar thermal system and/or geothermal heating and cooling system for at least seven percent (7%) of the annual energy costs in new and existing buildings.   |
| Open space                                    | For commercial PUDs open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged. For residential developments minimum of fifty percent (50%) of the site not occupied by buildings shall be landscaped outdoor open space. Minimum of fifty percent (50%) of the provided open space shall be contiguous.   |
| Outdoor children's play area                  | An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area office five thousand (5,000) square feet.  |



|   |  |
|---|--|
| Art feature                                   | Provision of art. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it's highly visible to the public. The art shall be valued at not less than one-fourth (1/4) of one percent (1%) of the capital cost of the principal structure.   |
| Energy efficiency                             | Utilization of energy design assistance programs or commissioning to ensure that building systems are designed to operate efficiently and exceed the State Energy Code by at least thirty percent (30) of the annual energy costs. The developer must submit documentation to the city including a letter signed by the owner or a licensed design professional that shows the project will comply with this standard. |
| Natural features                              | Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.  |
| Pedestrian improvements                       | A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements.   |
| Enhanced exterior lighting                    | Lighting plan that highlights significant areas of the site or architectural features of the building(s)   |
| Enhanced landscaping                          | A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements. The landscaped areas shall have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect.  |
| Enhanced storm water management               | Provide capacity for infiltrating storm water generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. The design shall conform to requirements of the storm water management plan approved by public works.                              |
| Heated drives or                              | Heated drives or sidewalks that are designed to provide snow and ice free  |
| Tree islands                                  | The inclusion of additional or larger tree islands in the interior of parking lots. Larger tree islands shall have a minimum width of ten (10) feet in any direction and shall provide shrubs, plant materials, and/or rain garden plantings in addition to the trees.   |
| Water feature                                 | A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.  |
| Amenities proposed by the applicant or others | The Commission and Council may consider other amenities not listed.  |

D. Residential PUDs and flexibility Option.

A development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site. In no case may a PUD exceed by more than fifty percent (50%) the number of dwelling units per acre permitted by the zoning regulations otherwise applicable to the site. The Commission, in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by the amount, location and proposed use of common open space, and the location, design and type of dwelling units.

The Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location. The Commission shall recommend to and, in its final determination the Council may also authorize an additional use other than residential in a residentially zoned PUD.

F. Upon approval of qualifying amenities, the Commission may, in its determination allow flexibility in the following standards:

| <u>Zoning code standard</u>         | <u>Alternative</u>  |
|-------------------------------------|---|
| Setback standards                   | Allow a change in the setbacks required by the underlying zoning.   |
| Lot sizes and density (commercial)  | 1) To increase the maximum impervious area<br>2) To increase the maximum height of structures.  |
| Lot sizes and density (residential) | 1) To allow reductions in lot sized, including square footage, width and length<br>2) To allow a density bonus to increase the maximum number of dwelling units by not more than twenty percent (20%).    |
| Yards                               | To allow a reduction or elimination of required yards within the planned unit development.  |
| Signs                               | To allow alternatives to the sign standards.  |
| Off-street parking and loading      | To allow alternatives to the following:<br>1) Minimum and maximum amount of required off-street parking and loading.<br>2) Minimum width of parking aisles.<br>3) Minimum and maximum width of driveways. |

G. The PUD review process consists of three (3) phases

1. Concept Review via Special Exception Permit. The first phase of a PUD, shall be the submittal of a special exception permit, identifying what special exceptions or flexibilities are being sought from the Zoning and Subdivision Ordinance. The Commission and the Council during this concept review process shall make the determination, 1.) whether this project’s density and sample site layout work within the area’s confine location; and 2.) what additional information would be required in order to

make a final recommendation to the applicant. The concept approval through a special exception permit is in no way an approval of the overall project, the final layout, the preliminary or final plat, the roadway access, the utilities or any other change to the underlying property. The concept approval of a special exception permit is just the approval of one (1) of three (3) phases. The following documents shall be submitted at the time of concept review.

- a. Site plan
  - b. Traffic patterns
  - c. Utilities needed and proposed
  - d. Landscaping layout
  - e. Any and all plans and studies required by the City to support approval. Examples include traffic study, wetland delineation, soil borings, etc.
2. Preliminary Review. Upon approval of the concept review via special exception permit, an applicant is then allowed to submit for a preliminary / final approval. The preliminary approval of density and layout is in no way an approval of the project, the final layout, the preliminary or final plat, the roadway access, the utilities or any other change to the underlying property. Preliminary and Final approval can be combined if the Zoning Administrator determines ample information has been submitted in advance to make a proper determination on the PUD. The applicant will be required to provide all preliminary and final plans, in accordance to the requirements outlined in Section 909 above.
  3. Final Approval. At this stage in the PUD process, the Council will make a determination of denial or approval. Finalized plans, in accordance to the requirements outlined in Section 910 above are required as part of this final application

### **Section 913. Agricultural Land Exemption**

The division of land for agricultural use into parcels all of which are ten acres or more in area and have four hundred feet or more of street or road frontage and which do not involve the creation of any new street or road, easement or other dedication, shall be exempt from the requirements of these regulations, provided however, that the provisions of applicable statutes and regulations are complied with.

### **Section 914. Preservation of Natural Features and Amenities**

Existing features which would add value to residential development or to the city as a whole, such as trees, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any proposed subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the platted land required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

**Section 915. Changes and Amendments**

Any provisions of these regulations may be changed and 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 given as required by law. Such proposed amendments shall first be submitted to the Commission for study and recommendation a minimum of twenty-one (21) days before the hearing is held. The Commission shall then forward its recommendation to the Council within thirty (30) days after which the Council shall give notice of and hold a public hearing on the proposed amendment.

**Section 916. Issuance of Building Permits for Subdivisions**

- A. No occupancy permit for any building in a subdivision shall be issued prior to the completion of improvements.
- B. No building permits shall be issued in the subdivision prior to the completion of improvements.

**Section 917. Fees**

Non-refundable fees pertaining to permits or applications and actions required by this Article shall be set with the fee schedule established City resolution each year. The proprietor shall be responsible for all fees required by this article. Fees shall be submitted to the City with each plat, process, or requested action regulated by this article prior to consideration by the City. Said fees shall include, but not be limited to, the following actions:

- A. Major subdivision (preliminary and final plat) review and consideration. Preliminary and final plats will have separate fees under this Article.
- B. Minor subdivision review and consideration.
- C. Simple lot division (three (3) lots or less).
- D. Property or boundary line adjustments/realignments.
- E. Lot combination
- F. Recording fees (paid to the County Recorder), per a schedule on file in the County Recorder's Office.

**Section 918. Waivers and Exceptions**

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unique conditions that the strict application of the requirements contained in these regulations would result in hardships or injustices, the Council, upon recommendation of the Commission, may vary or modify such requirements to allow the proprietor to develop in a reasonable manner with due regard for the public health, welfare, and safety so that the interests of the City and surrounding area are protected and the general intent and spirit of this chapter are preserved.

**Section 919. Enforcement**

- A. After the date of adoption of the ordinance codified in this chapter, no proposed plat or any subdivision in, or within two (2) miles of the corporate limits of the City shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
- B. No street hereafter created in the incorporated area of the City shall become a part of any street system as defined in the *Code of Iowa*; and no improvements shall be made by the City, nor shall the City incur any expense for maintenance or repair of roads or other facilities on land that had been subdivided after the date of adoption of the ordinance codified herein unless such road or other facility shall have been first approved and accepted by the Council in accordance with the provisions of this chapter and the dedication thereof accepted as a public road or improvement.
- C. The City shall not issue building, occupancy, or repair permits for any structure located on a lot in any subdivision developed after the date of adoption of the ordinance codified in this chapter that is located within the City unless the plat of such subdivision has been first approved in accordance with the provisions contained herein.
- D. Violations of the provisions of this chapter or failure to comply with any of its requirements shall constitute a municipal infraction, punishable under the provisions of this Ordinance. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.