

CHAPTER 165

SUBDIVISION REGULATIONS

165.01 General Provisions	165.13 Inspection Fee
165.02 Definitions	165.14 Variations and Exceptions
165.03 Recording of Plat	165.15 Changes and Amendments
165.04 Jurisdiction	165.16 Preliminary Plat Procedure
165.05 Sale of Land in a Subdivision	165.17 Completion of Improvements
165.06 Sale or Title Transfer Requirements	165.18 Final Plat Procedure
165.07 Permits	165.19 Posting of Maintenance Bond
165.08 Public Improvements	165.20 Design Standards
165.09 Revision of Plat After Approval	165.21 Required Improvements
165.10 Filing Fees	165.22 Preliminary Plat Requirements
165.11 Recording Fees	165.23 Criteria for Disapproval of Preliminary Plat
165.12 Recreational Fee	165.24 Final Plat Requirements

165.01 GENERAL PROVISIONS. The provisions of this chapter are designed and intended to be the minimum requirements adopted for the protection of the public health, safety and welfare, by providing for the harmonious development of the City and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with other features, for adequate open spaces for traffic, schools, recreation and air, for adequate storm water drainage and sewage disposal, for the efficient and economical maintenance of streets, and for the development of public grounds.

165.02 DEFINITIONS. For the purpose of this chapter, the following terms, phrases and words are defined:

1. “Block” means the distance as measured along a street between intersecting streets from centerline to centerline; and where the context requires, it also means the enclosed area within the perimeter of the street or property lines enclosing it.
2. “City Engineer” means the City’s consulting engineer.
3. “Construction agreement” means a written contract between the developer and the City outlining, in detail, the improvements which must be completed in accordance with the approved plans and specifications before the final plat is approved by the City. The responsibility for bearing the various costs of the improvements and the time schedule for orderly construction shall also be a part of this agreement.
4. “Construction area” means that area on which curb, gutter, streets, and sidewalks are to be constructed.
5. “Drainage course” means a water course or indenture for the drainage of surface waters.
6. “Easement” means a right or privilege held by the public, a corporation or person for the use of land for specified purposes.
7. “Final plat” means the final map or drawing on which the subdivider’s plan of subdivision is presented to the Council for approval, and which, if approved, will be submitted to the County Recorder for recording.
8. “Lot” means the tract within a subdivision marked by the subdivider as a numbered, lettered, or other identified tract to be offered as a unit of land for sale.

9. "Owner" means any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
10. "Preliminary plat" means the preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Council for consideration.
11. "Sanitary sewer" means a constructed conduit connected with the municipal sewer system or with a treatment plant for the carrying of liquids and solids other than storm or ground waters.
12. "Storm sewer" means a constructed conduit for carrying storm waters to a drainage course.
13. "Streets and Alleys."
- A. "Street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, or however designated.
- B. "Alley" means a public way used primarily as a service access to the rear or side of a property which abuts on a street.
- C. "Cul-de-sac" means a permanent street terminating at one end without connecting with another street and designated so that it cannot be further extended without condemnation or taking property not dedicated as a street.
- D. "Local street" means a local street providing access to abutting property. They collect individual trips for delivery to a higher-type facility such as collectors or major streets. Through traffic is discouraged and provision is generally made for occasional parking.
- E. "Width, street" means the shortest distance between the lines delineating the right-of-way of a street.
14. "Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder.
15. "Subdivision" means the division of a parcel of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land.

165.03 RECORDING OF PLAT. No plat of any subdivision required by this chapter shall be recorded in the County Recorder's office, or have any validity until it shall have been approved in the manner prescribed herein.

165.04 JURISDICTION. In accordance with the provisions of Chapter 354 of the *Code of Iowa*, these regulations are adopted by the City governing the subdivision of all lands within the corporate limits of the City and within one mile adjacent to said corporate limits.

165.05 SALE OF LAND IN A SUBDIVISION. No owner or agent of the owner of any land shall transfer or sell any land by reference to, exhibition of, or by the use of the plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this chapter is voidable within 90 days at the option of the buyer. The description of such lot or parcel by metes and

bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this chapter.

165.06 SALE OR TITLE TRANSFER REQUIREMENTS. No final plat of any subdivision shall be accepted by the City without the following covenant: *No deed will be delivered or title transferred or sale completed on any lot in this subdivision, except to another developer who accepts first developer obligations, until such a time as the sanitary sewer, storm sewer, if any, street surfacing and other improvements be installed, in accordance with construction plans and construction agreements submitted for this subdivision and approved by the City of Fontanelle.*

165.07 PERMITS. The authorized agent of the City shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

165.08 PUBLIC IMPROVEMENTS. The City hereby defines its policy to be that the City will withhold all public improvements of whatever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed herein.

165.09 REVISION OF PLAT AFTER APPROVAL. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Council, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Council.

165.10 FILING FEES. The subdivider shall pay a filing fee of \$30.00 plus \$1.00 for each lot in the proposed subdivision for every preliminary plat submitted to the Council for approval, which shall be credited to the General Fund. No fee shall be refunded in the event any preliminary or final plat is disapproved.

165.11 RECORDING FEES. Cost of recording final plats, documents, or covenants are payable in addition to filing fees. This will be billed to the subdivider before the plat is recorded.

165.12 RECREATIONAL FEE. Every subdivider who subdivides land shall provide the City with a fund or land dedicated for the purpose of providing park and recreational facilities to serve future residents of such subdivision as set out in the construction agreement.

165.13 INSPECTION FEE. An inspection fee will be charged for basic engineering observation of improvements as set out in the construction agreement. Such fee shall be payable, through the Clerk, upon submission of the final plat.

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

165.15 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least 15 days prior to such hearing.

165.16 PRELIMINARY PLAT PROCEDURE.

1. Filing. Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit six copies of said preliminary plat to the Clerk. The preliminary plat shall contain such information and data as outlined in Section 165.22.
2. Pre-filing Consultation. Prior to the filing of the preliminary plat, the subdivider may confer with and submit in sketch form the proposed plat in order to make use of the advice and assistance of the Council.
3. Referral. Upon the filing of a preliminary plat, the Clerk shall immediately refer two copies of the plat to the City Engineer for review and three copies to the Council and retain one copy for the City files.
4. Action by City Engineer. The City Engineer will review the preliminary plat and report to the Council as soon as possible the findings concerning the plat's compliance with this chapter, the existing street and utility system and with standard engineering practices.
5. Review of Preliminary Plat. The preliminary plat shall be reviewed by the Council 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 Council deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer, shall be transmitted to the Council within three weeks after the date the plat is filed. The Council may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.
6. Action by Council. The Council will approve, approve with modifications, or disapprove the preliminary plat within 30 days of receipt of the plat. If the preliminary plat is disapproved by the Council, the subdivider shall be furnished with a letter and copy of the plat stating the reason for disapproval. Such notification shall take place within the 30 day period. Upon approval of the preliminary plat, one copy of the approved or conditionally approved plat shall be returned to the subdivider within 10 days following Council action and one copy shall be retained by the City.

165.17 COMPLETION OF IMPROVEMENTS. The subdivider, after approval of the preliminary plat, (1) may proceed with the completion of improvements as outlined in the construction agreement in those areas intended for inclusion in a final plat, or (2) may post a surety bond in form acceptable to the Council sufficient to cover 125 percent of the estimated full cost of all improvements not completed in those areas intended for inclusion in a final plat.

165.18 FINAL PLAT PROCEDURE.

1. Filing. The subdivider, upon completion of all improvements required by the construction agreement, or upon posting of a surety bond, shall file six copies of the final plat including all supporting documents with the Clerk for final approval. The plat must conform in every respect with the requirements specified in Section 165.24 of this chapter.
2. Referral. Upon the filing of a final plat, the Clerk shall immediately refer two copies of the plat to the City Engineer for review and four copies to the Council.
3. Action by City Engineer. The City Engineer will review the final plat and the improvements constructed therewith and report to the Council as soon as possible the findings concerning the plat's compliance with this chapter and comments concerning the substantial completion of the improvements in accordance with City specifications and the construction agreement.
4. Action by Council. After receiving notification from the City Engineer that improvements are in order and after being satisfied that the final plat is in conformity with the approved preliminary plat and the regulations, the Council shall have 60 days from the date of submission in which to take action on the final plat.
5. Transmittal of Final Plat to Subdivider. After approval of the plat by the Council, two approved copies of the final plat shall be returned to the subdivider. One copy of the final plat shall be used by the subdivider for recording purposes.

165.19 POSTING OF MAINTENANCE BOND. The subdivider shall post a maintenance bond covering any improvement to be accepted for maintenance by the Council. Such bond shall be held by the Clerk and shall become effective upon acceptance of the final plat by the Council, unless otherwise stipulated. Maintenance bonds shall run for four years on street paving and two years on sewer and water improvements.

165.20 DESIGN STANDARDS. All subdivision of land subject to these regulations shall conform to the design standards set forth in this section.

1. Conformity with Master Plan. The proposed subdivision shall conform to the Master Plan of the City. The classification and location of all streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Master Plan, the arrangement and other design standards of streets shall conform to the provisions herein.
 - A. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provisions for the continuance of the existing streets in adjoining areas.
 - B. Projection of Streets. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for proper projection of streets to the boundaries of the tract proposed to be subdivided.
2. Access. Every subdivision lot shall have frontage on a publicly dedicated street.
3. Streets. All streets within a subdivision must meet the following minimum standards:

- A. Street Right-of-way. The minimum width of a street right-of-way shall not be less than 60 feet.
- B. Street Width. The minimum width of a paved street shall be 27 feet as measured back to back of curb lines.
- C. Street Design. The following minimum standards shall apply:
- (1) Minimum return radius: 16½ feet
 - (2) Minimum curve radius: 100 feet
 - (3) Maximum grade: 9%
 - (4) Minimum grade: .4%
 - (5) Cul-de-sac: minimum R.O.W. diameter 100 feet, minimum paved diameter, 80 feet, maximum length, 500 feet.
 - (6) Reserve strips: There shall be no reserve strips controlling access to streets within any subdivision.
 - (7) Street jogs: Street jogs with centerline offsets of less than 150 feet shall not be allowed.
 - (8) Intersections: Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 80°.
 - (9) Restriction of access: When a subdivision or portion thereof adjoins a limited access highway, no lot shall have direct access thereto. Said lots shall be provided with frontage on a local street or street other than the limited access highway.
 - (10) Street names: A proposed street which is in alignment with or joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicate the name of an existing street. The use of the suffix "street," "avenue," "boulevard," "driveway," "place" or "court" or similar description is not a distinction sufficient to constitute compliance with this subsection. The proper name or names of streets shall not consist of more than 10 letters or letter spaces combined.
4. Blocks. Sizes of blocks shall be not less than 250 feet or more than 1,000 feet in length measured along the greatest dimension of the enclosed block area. Any block over 700 feet must provide for an improved pedestrian through-walkway (five-foot sidewalk) as close to the center of the block as possible. This walkway must be dedicated to the public use.
5. Arrangement of Lots. Side lot lines shall be as near as possible at right angles to straight street lines or radial to curved street lines. Double frontage or through lots shall not be permitted, except in case of limited access highways.
6. Easements for Utilities. Except where alleys are provided for this purpose, utility easements shall be provided for use in erecting, constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, gas mains, electrical lines and other public utilities. No building shall be erected on said easements.

7. Half Streets. Dedication of half streets is discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Council.
8. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.
9. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Council may require topography and a sketch of a tentative future street system of the unsubdivided portion.
10. Dedication. An approved dedication or a deed to the City shall be given for all streets before the same will be accepted for City maintenance.
11. Lots. All lots shall conform to the following requirements:
 - A. Corner lots shall have a minimum width of 75 feet in order to permit adequate building setbacks on both front and side streets.
 - B. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
 - (1) Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet.
 - (2) Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of 80 feet and an area of 12,000 square feet.
 - (3) All other lots shall have a minimum width of 65 feet as measured at the building setback line and shall have a minimum area of 7,700 square feet.

165.21 REQUIRED IMPROVEMENTS. The subdivider shall install and/or construct all improvements required by the City based on this chapter. All such improvements shall be in accordance with plans and specifications approved by the City and in compliance with the terms of the construction agreement. Improvements may include any or all of the following items:

1. Grading and drainage.
2. Paved streets.
3. Water mains and appurtenances.
4. Sanitary sewer lines and appurtenances.
5. Storm sewer lines and appurtenances.
6. Sidewalks.
7. Street lights.

165.22 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show graphically all facts needed by the regulatory bodies to determine whether the proposed layout is satisfactory and consistent with this chapter. The preliminary plat shall contain the following information:

1. Descriptions. Descriptions of the following:
 - A. Name of proposed subdivision.
 - B. Name and address of subdivider and owner.
 - C. Name of engineer and registered land surveyor.
 - D. Scale north point and date of preparation.
 - E. Location sketch map showing relationship of the subdivision site to the surrounding area.
 - F. Legal description of property being subdivided.
2. Existing Conditions. The existing conditions of the following:
 - A. Topography by contours at vertical intervals of two feet or less except when a greater interval is required because of terrain.
 - B. Acreage to be subdivided.
 - C. The location of all present property lines, section lines, streets, buildings, water courses and other existing features within the area being subdivided.
 - D. Existing outlets, drainage courses and culverts within the tract or on streets immediately abutting.
 - E. Existing utilities.
3. Proposed Conditions. Proposed conditions of the following:
 - A. Location, width and names of all proposed streets and walkways.
 - B. Layout and scale dimensions of all lots, including minimum front setback lines, and lot numbering.
 - C. Draft of proposed protective covenants, if any, to be imposed.
 - D. Areas proposed to be conveyed, dedicated, reserved or used for parks, walkways, playgrounds, schools, public buildings and similar semi-public uses, and whether such areas are to be public or private.
 - E. Existing and proposed zoning classification of the area.
 - F. Proposed utility service:
 - (1) Source of water supply.
 - (2) Provisions for sewage disposal and drainage.
4. Accompanying Material. The following material shall accompany the preliminary plat:
 - A. Plans, profiles and proposed grades of all streets and alleys at a 50 foot horizontal scale and five foot vertical scale. Profiles to show location, size and grade of all conduits, sewers, pipelines, etc., to be constructed. Profiles shall

be drawn so that the west end or the south end of the profile is at the left side of the drawing.

B. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat.

C. The construction agreement.

165.23 CRITERIA FOR DISAPPROVAL OF PRELIMINARY PLAT. The preliminary plat may be disapproved for any of the following reasons:

1. Excessive Population Density. The plat fosters excessive population density.
2. Inefficient Land Use. The plat fosters inefficient use of land area.
3. Compatibility with Adjacent Development. The character of design is not compatible with adjacent development.
4. Aesthetics. The design is a substantial departure from the aesthetic standards of the community.

165.24 FINAL PLAT REQUIREMENTS. The final plat is intended to be the record plat for the subdivision and shall contain the following information. The final plat may include any part or all of the preliminary plat.

1. Description. Description of the following:
 - A. Name of subdivision.
 - B. Scale, north point and date of preparation.
 - C. Boundary legal description of property involved.
 - D. Certificate of a registered land surveyor.
 - E. Name, width and location of all streets, alleys, parks, open areas, school property, other areas of public use or areas within the plat that are set aside for future development.
 - F. Easements for public utilities showing width and intended use.
 - G. Building setback lines.
 - H. Lot and block dimensions.
2. Plat Standards. Plat standards and survey accuracy shall comply with Chapter 354 of the *Code of Iowa*.
3. Monumentation. Monumentation shall show and shall comply with Chapter 354 of the *Code of Iowa*.
4. Accompanying Material. The following material shall be submitted with the final plat:
 - 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.