ORDINANCE NO. 271

SUBDIVISION REGULATIONS
WOODWARD, IOWA

PREAMBLE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WOODWARD, IOWA, 1998, AS AMENDED, BY REPEALING CHAPTERS THEREOF, PERTAINING TO SUBDIVISION REGULATIONS, AND BY ENACTING IN LIEU THEREOF AN ORDINANCE AS FOLLOWS, CONSISTING OF CHAPTERS I-IV, TO BE KNOWN, CITED AND REFERRED TO AS THE SUBDIVISION REGULATIONS OF THE CITY OF WOODWARD, IOWA, FOR THE PURPOSE OF ADOPTING REGULATIONS IN ORDER TO LESSEN CONGESTION IN THE STREET; TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS; TO PROMOTE HEALTH AND GENERAL WELFARE; TO PROVIDE ADEQUATE LIGHT AND AIR; TO AVOID UNDUE CROWDING OF POPULATION; TO FACILITATE THE ADEQUATE PROVISIONS OF TRANSPORTATION, WATER, SEWERAGE, SCHOOLS, RECREATIONAL FACILITIES AND OTHER PUBLIC REQUIREMENTS; TO CONSERVE THE VALUE OF PROPERTY AND ENCOURAGE THE MOST APPROPRIATE USE OF LAND THROUGHOUT THE CITY, IN ACCORDANCE WITH THE COMPREHENSIVE PLAN DEFINING CERTAIN TERMS, PROVIDING FOR A MANNER OF AMENDING THIS ORDINANCE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WOODWARD, IOWA:


SECTION 2. The Code of Ordinances of the City of Woodward, Iowa, 1998, is hereby amended by enacting in lieu of the preceding, the following Chapters.

SECTION 3. After the adoption and publication of this Ordinance as provided by law, the City Clerk shall record a copy of the ordinance in the Office of the Dallas County Recorder, Adel, Iowa, and in the office of the Boone County Recorder, Boone, Iowa, and shall pay the fees for the said recordings.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 14th day of June, 1999, and approved this 14th day of June, 1999.

/s/ Richard Dunnihoo  
Richard Dunnihoo, Mayor

ATTEST:

/s/ Shirley Hass  
Shirley Hass, City Clerk
CHAPTER I - GENERAL PROVISIONS

SECTION 1 - TITLE

These regulations shall hereafter be known, cited, and referred to as the Subdivision Regulations of the City of Woodward, Iowa.

SECTION 2 - DEFINITIONS

For the purpose of interpreting these regulations, certain words, terms, and expressions are herein defined. Words used in the present tense include the future; the singular includes the plural; the plural includes the singular; the word shall is always mandatory; and the word may is permissive.

Alley. A public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

Applicant. An owner or subdivider of land proposed to be subdivided or the owner's representative. Where application is made by someone other than the legal owner, consent is required from the legal owner of the premises as a part of the application.

Auditor's Plat. A plat prepared at the request of the Dallas County Auditor and/or Boone County Auditor to clarify property descriptions and for the purpose of assessment and taxation.

Bond. Cash deposits, surety bonds or instruments of credit in the amount and form satisfactory to the City. All bonds shall be accepted and approved by the City Council whenever a bond is required by these regulations.

Building Line. The outer boundary of a building established by the location of its exterior walls or any projections other than steps, unenclosed balconies, or unenclosed porches.

City Engineer. The person or firm designated by City Council to provide engineering assistance for the administration of these regulations.


Comprehensive Plan. The current Comprehensive Plan for the development of the City of Woodward, Iowa, or any of its geographical parts, prepared for and adopted by the City Council and includes any parts of such plans separately adopted and any amendments to such plans or parts thereof.

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Construction Plans. The maps or drawings prepared by a registered engineer accompanying the subdivision plat and showing the specific location and design of improvements to be installed in the subdivision. The term construction drawing means the same.

Contractor. Any person who constructs the improvements required herein.

Cul-de-sac. A street permanently closed to through traffic being terminated by a permanent turnaround.

Dead-End Street. A street presently closed to through traffic at the end and is planned for future extension.

Drainageway - Improved. An improved ditch, stream or waterway with shaped inverts, graded slopes and controlled velocities.

Drainageway - Natural. An existing ditch, stream or waterway in as natural condition as possible and which can be maintained as such in the opinion of the City Engineer.

Easement. A right-of-way granted for the purpose of limited private, public or semi-public use across private land for specifically designated purposes.

Grade. The slope of a road, street, utility, earth embankment or other facility specified in percent of vertical to horizontal measurements.

Improvement. Any drainage, roadway, parkway, storm sewer, sanitary sewer, water main, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for construction, maintenance and/or operation or which may affect an improvement for which the City's responsibility is established.

Lot. A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Open Space. A parcel of ground located within the subdivision that is to be dedicated to the City for park and recreational purposes.

Owner. Any person, group of persons, firm, corporation or other legal entity having legal and equitable title in the land sought to be subdivided under these regulations.

Plans of Record. Plans prepared by a registered engineer, showing the engineer's signature and certifying that the public improvements have been constructed as shown.
Plat - Final. The drawing on which the subdivision plan is presented in the form which, if approved by the City Council and Planning and Zoning Commission, will be filed and recorded with the County Recorder.

Plat - Preliminary. A study or drawing indicating the proposed manner or layout of the subdivision which is submitted to the City Council and Planning and Zoning Commission for consideration and approval.

Registered Professional Land Surveyor. A land surveyor properly licensed and registered in the State of Iowa.

Registered Professional Engineer. An engineer properly licensed and registered in the State of Iowa.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer, storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency are dedicated to public use by the maker of the plat on which such right-of-way is established, except as otherwise provided in these regulations.

Street. Any thoroughfare or public way, extending between two right-of-way lines, which has been or will be dedicated to the City for street purposes.

Streets - Arterial. High capacity roadways of lower level of mobility and higher level of land service than the thoroughfares including Highway 141 and Highway 210, as designated in the comprehensive plan.

Streets - Collector. Streets that penetrate neighborhoods to collect local traffic and channel it to the arterial system. The collector streets are designed with approximately equal regard to mobility and land service, as designated in the comprehensive plan.

Streets - Local. Local streets are low volume streets designed for access to abutting property, as indicated in the comprehensive plan.

Subdivider. Any person who having an interest in the land, causes it, directly or indirectly, to be divided into a subdivision or to be included in a proposed subdivision or resubdivision.
Subdivision. The division of a lot, tract, or parcel of land into two or more lots, parcels or other subdivisions of land for the purpose of immediate or future sale or transfer or for building developments. The term includes resubdivision and when appropriate to the context relates to the process of subdividing or to the land subdivided.

Subdivision - Minor. The division of a lot, tract, or parcel of land that meets the following conditions:

A. All the lots of the subdivision abut an existing dedicated public road, highway, or street.

B. No new street within the subdivision is proposed nor is any new street required by the City in order to assure adequate access to an existing public road, highway, or street from any of the lots of the subdivision.

C. All City service systems and public improvements are already extended so that each system is readily accessible for the direct and individual service connection thereto from each lot of the subdivision.

Surety. A guarantee in writing backed by substantial assets pledged by any financial institution, insurance company, or other party of substantial financial standing being bound with its principal for the payment of a sum of money or for the performance of some duty or promise required of the party being serviced.

SECTION 3 - POLICY

Approval of City Required. In order to promote orderly and planned development within the City’s jurisdiction, all subdivisions of land and the subsequent development of the subdivided plat is subject to the control and approval of the City pursuant to the Code of Iowa.

Suitability of Land and Facilities. Land to be subdivided shall be suitable for building purposes without danger to health or perils from fire, flood, and other menace, and shall not be subdivided until adequate utilities, drainage, streets and similar improvements exist or are satisfactorily provided for.

Comprehensive Plan. The proposed improvements shall conform to the comprehensive plan of the City.
SECTION 4 - PURPOSE

Supplement Other Regulation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, standard specifications for street and utility improvements, zoning ordinance, and comprehensive plan.

Objectives. These regulations are adopted in order to lessen congestion in the street; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to avoid undue crowding of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, recreational facilities and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, in accordance with the comprehensive plan.

SECTION 5 - JURISDICTION

Outside City. In accordance with the provisions of Section 354.9 of the Code of Iowa, 1997, these regulations shall apply to the subdivision of land within two (2) miles of the corporate limits.

The City Council shall have the right to waive such requirements as are contained in this ordinance to the end that the City Council is satisfied that equally suitable regulations have been placed on these subdivisions by the Board of Supervisors; provided however, that the County Board of Supervisors furnish the Commission and Council with a copy of said subdivision certifying that all requirements of the appropriate County ordinances have been met. The Commission shall study such plat to determine that no conflict exists with the extension of existing streets and rights-of-way within the City into the unincorporated area and to determine if the plat would otherwise interfere in any way with the implementation of the comprehensive plan for the City of Woodward. If the Commission is satisfied by their studies that these conditions are provided for, they shall endorse their approval upon said plat and submit it to the City Council. Upon approval by the City Council, the City Clerk shall notify the County Auditor and Recorder in accordance with the provisions of existing statutes.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the City of Woodward and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the City of Woodward.

City Inspection. All improvements constructed on any land subject to the jurisdiction of the City shall be inspected by the City and shall comply with the City’s standard construction specifications.
Conditions. No land within the corporate limits of the City or within two (2) miles of the corporate limits of the City shall be subdivided until the subdivider or agent has obtained final approval of the plat by the Council.

Building Permits and Certificates of Occupancy. No more than one (1) building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by sub-division after the effective date of, and not in conformity with the provisions of these regulations. No excavation of land or construction of any public or private improvement shall take place or be commenced until in conformity with these regulations.

Public Improvements. No public improvements over which the City Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of adoption of these Subdivision Regulations unless the subdivision and streets have been approved in accordance with the provisions of these Subdivision Regulations and the street accepted by the City Council as a public street.

SECTION 6 - INTERPRETATION

Minimum Requirements. These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

Relation To Other Regulations. It is not intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

SECTION 7 - RESERVATIONS AND APPEALS

Any subdivision plat that has received preliminary approval by the Council prior to the effective date of these regulations, shall be subject to the conditions effective at the time of the approval and for a period of one (1) year from such date of approval and shall continue to be processed according to those requirements during such period. The preliminary approval shall be considered null and void if after one (1) year from the time of such preliminary plat approval the applicant has not made application for final plat approval by the City Council. Any future subdivision of any portion of the property subject to such prior preliminary plat approval shall be made in conformance with these regulations.
SECTION 8 - AMENDMENTS

These Subdivision Regulations may be amended from time to time by the City Council. Such amendments as may be proposed shall first be submitted to the Planning and Zoning Commission for study and recommendation. The Commission shall report within a reasonable time, after which the City Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

SECTION 9 - ACRE SUBDIVISION

When land is subdivided and subdivision plat shows one or more lots containing more than one (1) acre of land suitable for future resubdivision into smaller building sites, the Commission may require that such parcel of land be so subdivided as to allow for future streets and the extension of the existing street system to the acre.

SECTION 10 - AUDITOR'S PLATS

The Commission and Council shall have the right to waive provisions governing preliminary and final approval and public improvements outlined in Chapter III, Sections 3 and 7 for Auditor's Plats providing there is on file with the City a copy of the request of the County Auditor ordering such plat and a letter from the Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat. An Auditor's Plat shall not be construed to mean a subdivision.

SECTION 11 - VACATION OF PLATS

Shall be in accordance with the provisions of Sections 354.22 and 354.23 of the Code of Iowa.

SECTION 12 - VARIATIONS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development of unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or injuries, the Council, upon written recommendation of the Commission, may modify or vary such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of these regulations and granted with a view toward protecting the public welfare and interest of the City and surrounding area.
SECTION 13 - FEES

Filing Fee. Before a preliminary plat or final plat shall be considered by the Commission, the applicant or agent shall deposit with the City Clerk a filing fee as established by the City Council. The appropriate fees shall be deposited at the time of filing of each of the preliminary plat and final plat.

Costs. In addition to the plat filing fees, the subdivider shall be responsible for just and reasonable costs incurred by the City for review of plats and construction drawings, and during the course of construction of the improvements for inspection, testing or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.

SECTION 14 - ENFORCEMENT, VIOLATIONS AND PENALTIES

Enforcing Officer. It shall be the duty of the Zoning Administrator or person designated by the City Council to enforce these regulations and to bring to the attention of the City Council of any violations or lack of compliance herewith.

Action By Law or Equity. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises and these remedies shall be in addition to penalties for violation of this Code of Ordinances.
CHAPTER II - IMPROVEMENTS AND DESIGN STANDARDS

SECTION 1 - GENERAL

Improvements To Be Constructed. The subdivider shall install and construct all improvements required by these regulations in accordance with the approved construction drawings and standard specifications and under the inspection of the City. All improvements shall be constructed to the City's satisfaction.

Design Standards Minimum. The standards and details of design herein contained are intended as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable development.

Compliance. In addition to the requirements established herein, all subdivisions shall comply with the following laws, rules and regulations.

A. All applicable statutes of the State of Iowa.

B. All applicable provisions of the Code of Ordinances of the City of Woodward, Iowa.

C. The current comprehensive plan and public utilities plans for the City as may be adopted or revised.

D. The requirements and rules of State agencies where applicable.

E. The standards and regulations of the County Board of Supervisors and County commissions, boards, and agencies where applicable.

F. The standards and regulations adopted by the Council, boards, commissions and agencies of the City.

G. The design of all required public improvements shown on construction plans shall be done by a licensed engineer. All final plats shall be done by a registered land surveyor.

Layout. Subdivision layouts shall take into account the Major Streets Plan of the Comprehensive Plan, existing street alignments, natural drainage ways, topography or other existing features that may affect the subdivision.

Reserved Land. A strip or parcel of land or outlet shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as approved or allowed by the Council.
SECTION 2 - STREETS AND RIGHTS-OF-WAY

Owner To Construct Streets. The owner of land being platted shall be responsible for the construction of all streets within the area to be platted. The owner shall at the owner’s expense construct portland cement concrete streets with integral curbs and gutters, or asphaltic concrete streets with concrete curbs and gutters subject to approval by the Council, together with all other necessary appurtenances to provide adequate streets and traffic flow within the subdivision.

Supervision By City. The installation of all streets shall be under the supervision and inspection of the City Engineer and the owner shall be responsible for all reasonable charges for such expense incurred by the City.

Width and Thickness. Street widths and thicknesses shall be as required in the subdivision regulations, City standard construction specifications or as otherwise required by the City Engineer.

Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than sixty (60) feet in right-of-way width, and 29 feet in pavement width, and in similar alignment, unless variations are recommended by the Commission and approved by the Council.

Circulation and Access. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, or unsubdivided land as may be required by the Commission and City Council. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, a 6-inch thick compacted crushed rock turnaround shall be provided.

Street Names. Streets which are obviously in alignment with existing streets whether adjacent or distant to the proposed subdivision shall bear the names of such existing streets. The proposed names of new streets shall be shown on the plats and such names shall not duplicate or sound similar to existing street names. The Council reserves the right to alter or change the proposed names of streets before final acceptance of the plat.

Natural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features.

Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street right-of-way shall be platted and dedicated by the subdivider.
Alleys. Alleys may be required in business and industrial districts for adequate access for service areas, loading, and parking space, and for off-street loading and parking purposes. Alley right-of-way shall be twenty (20) feet in width. Alleys shall not be permitted in residential districts unless approved by the Planning Commission and City Council.

Overall Development Plan. If any overall development plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system shall conform in general thereto.

Partial Plat. 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.

Thoroughfare or Arterial Access. Where a new subdivision, except where justified by limiting conditions, involves frontage on a thoroughfare or arterial street, the street layout shall provide motor access to such frontage by one of the following means:

A. A parallel street, supplying frontage for lots backing onto the major arterial.

B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street with their terminal lots backing onto the major arterial.

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

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

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

Railroad. If a railroad is involved, the subdivision plan should:

A. Be so arranged as to permit proper grade at street crossings of the railroad.

B. Border the railroad with a parallel street at a sufficient distance from it to permit lots to back up to the railroad right-of-way.

C. Form a buffer strip for park, commercial, or industrial use adjacent to the railroad right-of-way.
**Right-of-Way and Pavement Widths and Pavement Thickness.** The minimum right-of-way and pavement width and thickness of proposed streets shall be as follows:

<table>
<thead>
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<th>Type of Streets</th>
<th>Minimum Width</th>
<th>Minimum Pavement Thickness</th>
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<tr>
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<td>Pavement</td>
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<tr>
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<td>80</td>
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<td>Cul-de-sac Street</td>
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<td>25</td>
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</table>

* Two (2) inches of asphaltic cement concrete (ACC) surface course and six and one-half (6½) inches of asphaltic cement concrete (ACC) base course with portland cement concrete (PCC) curb and gutter 7 inches deep and 36 inches wide constructed in accordance with City standard specifications may be used subject to approval of City Council.

**Pavement width may be waived by City Council to a minimum width of 29 feet based upon recommendation of the City Engineer.

**Street Signs.** The subdivider shall provide and install street signs and sign posts in accordance with the requirements of the City prior to completion and acceptance of the subdivision.

**Private Streets.** No private streets shall be permitted in any subdivision unless approved by the Council.
General Street Design Standards. General street design requirements include:

A. The street layout shall provide access to all lots and parcels of land within the subdivision.

B. Street jogs of less than 125 feet shall be avoided.

C. Cul-de-sac shall not exceed 600 feet in length.

D. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

E. New subdivisions shall make provisions for continuation and extension of arterial and collector streets and roads as specified in the Comprehensive Plan.

F. No dead-end streets or alleys will be permitted except at subdivision boundaries.

G. Arterial and collector streets in a subdivision shall extend through the boundaries thereof.

H. Intersection of road center lines shall be between 80 degrees and 100 degrees.

I. Intersection of more than two streets at a point shall not be permitted.

J. Where parkways or special types of streets are proposed, the commission may apply special standards for the design of such parkways or streets.

K. On arterial and collector streets a tangent of at least 100 feet in length shall be introduced between reverse curves.

L. Half streets shall be prohibited except where essential to the reasonable development of the subdivision and adjoining tract, and where the planning commission finds it reasonable to require dedication of the other half when the adjoining tract is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

Grades. No street grade shall be less than five-tenths (0.5) percent and shall not exceed the following grade limits:

A. Arterial - 6 percent.

B. Collector streets - 7 percent.

C. Residential streets - 8 percent.
D. The above grade requirements may be waived by the City Council based upon recommendation of the City Engineer.

SECTION 3 - BLOCKS

Blocks shall conform to the following standards:

Length. The length of blocks shall be not less than five hundred (500) feet and not more than one thousand four hundred (1,320) feet in length between center of rights-of-way.

Width. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two hundred twenty (220) feet between rights-of-way except where a single tier of double frontage lots parallel a limited access highway, a thoroughfare, drainage course, railroad or other barrier, the width shall not be less than one hundred fifty (150) feet.

Corners. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet.

SECTION 4 - LOTS

Zoning Requirements. Minimum lot dimensions and size shall conform to the requirements of the municipal or county zoning ordinance for the applicable zoning district. For corner lots minimum lot width shall include minimum lot width required plus front yard width.

Railroad or Arterial Frontage. Residential lots backing on a railroad right-of-way or on arterial street shall be platted with a minimum depth of one hundred fifty (150).

Double Frontage. Double frontage lots, other than corner lots shall be prohibited except where such lots back onto a railroad, arterial street or thoroughfare. In that event, a planting screen and/or fence shall be provided along the rear of the double frontage lots.

Minimum Lot Size. For the purpose of complying with minimum health standards, minimum lot sizes shall be observed in accordance with the requirements of the municipal or county zoning ordinances.

Side Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets. Except on large size lots and when dictated by topography, lot lines shall be straight.

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Lake or Stream. If a tract being subdivided contains a body of water or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the body of water among the owners of adjacent lots. The Commission may approve an alternative plan of ownership and use stating the ownership of, and responsibility for, safe maintenance of the body of water. Where a water course separates the buildable area of a lot from the street by which it has access, provisions shall be made for suitable vehicular/pedestrian access.

SECTION 5- SANITARY SEWER SYSTEM

Provided By Owner. The owner of land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area. The owner shall at the owner’s expense construct a sanitary sewer system including all necessary pumping stations, manholes and other necessary appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area. The minimum sewer pipe size shall be eight (8) inches at a minimum grade of 0.4 percent. The installation of such sewers shall be under the supervision and inspection of the City Engineer and the owner shall be responsible for reasonable charges for such expenses incurred by the City.

Design. All sewers shall be designed by a registered engineer and sized with capacity to permit ultimate development of the sewer service basin in accordance with the Iowa Department of Natural Resources standards. The sewer lines shall be constructed to the extremities of the development where necessary to accommodate future extension.

Connection To Municipal System. Subdivisions located within the corporate limits of the City of Woodward shall be connected to the municipal sewer system. Only with approval of the City Council as recommended by the City Engineer shall private sewage disposal or treatment be allowed. When allowed, design of such facilities shall be subject to the requirements and approval of the City and the County.

A. Dry Sewers. All subdivisions, except minor subdivisions, shall have sanitary sewers installed. Where sanitary sewers cannot be reasonably connected to existing sewer, the sanitary sewers shall be installed as dry sewers and capped for future connection unless this provision is waived by the City Council upon recommendation by the City Engineer.

Location. All sanitary sewers shall be constructed in the street right-of-way outside the pavement slab whenever possible.

Easements. When sanitary sewers are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the City for all sanitary sewers required by the City. These easements shall have a minimum width of fifteen (15) feet each side of the sewer center lines. Additional width may be required to ensure access by City maintenance equipment.
Service Lines. Sewer service lines shall be installed to the right-of-way line to serve each lot in the subdivision. Service lines shall be laid at ninety (90) degree angle to the sewer main. Service lines shall be a minimum of four (4) inch diameter for single family and duplex family housing, and six (6) inch diameter for all other zoning classification functions. Duplex housing shall have a separate service line to each unit. Developer and contractor shall accurately record the location of the service line during construction with respect to lot corners, pavement and other physical features. Said locations shall be furnished to the City. A steel post shall be located at the end of each service with the top of the post to be placed within one foot above the final ground surface. The post shall be painted green to indicate a sanitary sewer service location.

Plans and Specifications. Sanitary sewers shall be constructed in accordance with the approved construction drawings and Standard Construction Specifications of the City.

SECTION 6 - WATER DISTRIBUTION SYSTEM

Supplied By Owner. The owner of land being platted shall make adequate provisions for the supplying of water to the platted area. The owner shall at the owner's expense construct a complete water system together with all necessary appurtenances to provide adequate water to all lots or parcels of land within the platted area. The main supplying water to the subdivision shall not be less than eight (8) inches in diameter. If larger mains are required by the City, the City will reimburse owner for difference in cost of materials only between the eight (8) inch and larger diameter water mains. The installation of such water lines shall be under the supervision and inspection of the City and the owner shall be responsible for all reasonable charges for such expense incurred by the City.

Design. All water mains shall be designed by a registered engineer and sized with capacity to permit ultimate development of the water service area. The water lines shall be constructed to the extremities of the development where necessary to accommodate future extensions.

Location. All water mains shall be constructed in the street right-of-way outside the pavement slab whenever possible.

Easements. When water mains are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the City for all water mains required. These easements shall have a minimum width of ten (10) feet each side of the water main center line. Additional width may be required to ensure access by City maintenance equipment.

Service Lines. Water service lines shall be installed to the right-of-way line of the lots to be served. Service lines shall be laid at ninety (90) degrees to the water main and shall be a minimum of three-fourths (3/4) inch in diameter K copper for single family and duplex family housing. Multi-family, commercial or industrial zoning classification functions shall be sized as required for the specific function. Service lines shall be provided with
corporation cocks at the main and curb stops located as required by the City Standard Construction Specifications. Duplex housing shall have a separate service line to each unit. Developer and contractor shall accurately record the location of the service line during construction with respect to lot corners, pavement and other permanent physical features. Said locations shall be furnished to the City. A steel post shall be left standing at the end of each service adjacent to the curb stop to mark the location. The post shall be painted blue to indicate a water distribution service location.

**Plans and Specifications.** Water system shall be constructed in accordance with the approved construction drawings and Standard Specifications of the City.

**Fire Hydrants.** Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located at street intersections and spaced no more than three hundred (300) feet in commercial and industrial areas, and no more than four hundred (400) feet in residential areas.

**Valves.** Valves shall be spaced at equal spacings no more than eight hundred (800) feet apart in residential areas, and no more than four hundred (400) feet apart in commercial and industrial areas.

**SECTION 7 - STORM SEWER SYSTEM**

**Provided By Owner.** The owner of land being platted shall make adequate provision for the disposal of storm water from the platted area. The owner shall at the owner's expense construct a storm sewer system including all necessary piping, manholes and other necessary appurtenances to provide for the discharge of storm water and sump pump water from all lots or parcels of land and the streets and alleys within the platted area, to a connection with the City's storm sewer system, or make provisions, to the satisfaction of the City Engineer and Council, for the storm water to reach the City's storm sewer system by surface flow. A sump pump collector system shall be installed. The sump pump collector system will service the necessary lots and discharge into the City's storm sewer system or other approved outlet. Developer and contractor shall accurately record the location of the service lines during construction with respect to lot corners, pavement and other physical features. Said locations shall be furnished to the City. A steel post shall be located at the end of each service with the top of the post to be located within one foot above the final ground surface.

**Design.** All storm drainage facilities shall be designed by a registered engineer and sized with capacity to permit ultimate development of the drainage basin, but in no case less than the ten (10) year storm frequency in pipe design, and 100-year storm frequency for overland stormwater drainage design of ditches and culverts. The improvements shall be constructed to the extremities of the development where necessary to accommodate future expansion and shall conform to current City standard specifications.
**Detention Methods.** When the proposed subdivision may have a detrimental effect by increasing the intensity of storm water run-off into the City storm water drainage system or onto adjoining properties, detention methods may be required by the City Engineer to ensure the on-site control of said run-off.

**Location.** All storm sewers shall be constructed in the street right-of-way outside the pavement slab whenever possible.

**Easements.** When storm sewers are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the City for all storm sewers required by the City. These easements shall have a minimum width of fifteen (15) feet each side of the sewer center line. Additional width may be required to ensure access by the City maintenance equipment.

**Dams.** Where dams are proposed in any subdivision, they shall be designed by a registered engineer. A preliminary engineering report including soil investigations and design procedures shall be submitted to the City for review. When such dam is constructed, the subdivider's engineer shall certify to the City that the dam is constructed in accordance with the approved plans and specifications.

**SECTION 8 - SIDEWALKS**

Sidewalks shall be constructed along all streets within the subdivision in accordance with the City Standard Specifications. The owner of the land being platted shall submit to the City a performance bond guaranteeing the construction of all sidewalks within three (3) years of the date of final plat approval by the City Council. The amount of said bond shall be the estimated cost of constructing all required sidewalks.

A. Sidewalks shall conform to the following standards:

1. **Location.** Sidewalks shall be located in the street right-of-way one (1) foot from the right-of-way line and shall be four (4) feet in width. The sidewalk thickness shall be 4 (minimum) of portland cement concrete. Where the sidewalk crosses the driveway, the thickness shall be 6 (minimum) or the thickness of the driveway, whichever is greater.

2. **Grade.** The area between the curb and nearest edge of the sidewalk shall have a slope of one-half (1/2) inch per foot toward the curb. This shall be the method for determining the grade of the sidewalk.

3. **Crosswalks.** Crosswalks may be required in blocks over seven hundred (700) feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be located in a right-of-way not less than twenty (20) feet in width and shall be constructed by the developer.
4. Handicap Ramps. Handicap ramps shall be installed at all intersections and at certain mid-block locations for all new or reconstruction of curb and sidewalks in accordance with the requirements of the federal Americans With Disabilities Act (ADA) and state accessibility requirements. Ramps for the handicapped shall have a textured nonskid surface. The maximum ramp slope shall be 1 in 12.

SECTION 9 - STREET LIGHTS

Required. Street lights will be required in all subdivisions unless a variance is granted by the City. Street light locations shall be shown on the utility plan provided by the utility company for the subdivision.

Location. Exact street light locations will be determined by the City in consultation with the utility company. As a general guideline, street lights shall be placed at all street intersections and at other intermediate points as necessary, but in no case shall the street lights be more than three hundred (300) feet apart.

Costs. The owner of the land being platted shall pay the material and installation costs of all street lights required, and the City will pay the energy costs for operation after installation.

SECTION 10 - UTILITIES

Underground. All utility lines and mains including telephone, electric, cable TV, fiber optic, and street lighting lines, gas and water mains and other necessary facilities except electric lines of nominal voltage in excess of fifteen thousand (15,000) volts shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or pedestrian way should be installed in conduit prior to the improvement of any such street, alley or pedestrian way in the subdivision. Underground utilities installed after the streets, alley or pedestrian way is improved shall be installed by boring and jacking techniques. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as to not be unsightly or hazardous to the public.

Easements. Twelve (12) foot wide public utility easements shall be provided along the plat boundary and along the rear of all lots within the subdivision. Additional utility easement shall be provided along side lot lines totaling twelve (12) feet in width to provide for utility line and access to such rear lines at sufficient intervals to allow ease of access from one such easement to the next as required by the utility companies. All utility easements shall have access to a public right-of-way.
Plan Approval. Utility plan shall be provided and approved by the City prior to approval of the final plat.

SECTION 11 - PARKS, SCHOOL SITES AND PUBLIC AREAS

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to conform to any recommendations of the City comprehensive plan.

Dedication Required. At the time of final plat approval by the City Council, each owner of land being subdivided shall be required to dedicate, without cost to the City, five (5) percent of the land being subdivided to the City for park and recreational purposes to serve the immediate and future needs of the neighborhood; or a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the City.

Location. The City shall have the right to designate the location of the area so dedicated, giving due consideration to potential future developments adjacent to land being platted.

Payment-In-Lieu of Dedication. Where dedication of land is not feasible or compatible as determined by the City Council upon recommendation by the Planning and Zoning Commission and the Parks and Recreation Board, the owner of the land being platted shall pay to the City a cash contribution in lieu of the land dedication otherwise required by this section. The payments shall be placed in a special fund by the City and shall be used solely for the acquisition of development of park and recreational lands and facilities to serve the subdivision, the development, or the neighborhood of which the subdivision or development is a part. However, if the City Council, upon the recommendation of the Park and Recreation Board, subsequently determines that (a) there is no present need for park and recreation acquisition, development or improvement in the subdivision, development or neighborhood in question, and (b) that the best interests of the entire City would be served thereby, the payment received pursuant to this subsection may be applied in whole or in part toward the acquisition, development, improvement or maintenance of any park or parks within the City. Any such determination by the Council shall be by motion on a separate and distinct agenda item during any regular or special meeting of the Council.

Value of Payment. The payment-in-lieu of land shall be based on the fair market value of the acres of land in the development that otherwise would have been dedicated as an open space site. The value shall be determined by the City and developer by taking the value of the total development after subdividing and determining the proportionate value of the land that would have otherwise been dedicated. Should either the City or the developer determine that the calculated value does not reflect the fair market value an appraisal shall be made by three (3) appraisers, one selected by the City, one selected by the developer and the third selected by the two (2) appraisers. Each party shall pay the fee of the appraiser he selects and the cost of the third shall be shared equally by the City and
the developer. The fair market value, after subdividing, determined by the appraisal shall be binding on both parties.
CHAPTER III - GENERAL REQUIREMENTS

SECTION 1 - PRELIMINARY PLAT - GENERAL

Purpose - Pre-Application Conference. The purpose of the Pre-Application Conference is to acquaint the City with the proposed subdivision and acquaint the applicant with the objectives, procedures and requirements of the City’s ordinances and to give direction to the applicant to better utilize time and resources.

Participants at the Pre-Application Conference shall be the developer or developer’s agent, the developer’s engineer, landscape architect or land surveyor; the City Engineer; the City Clerk; and any other official of government or private utility deemed by the City to have an interest in the layout for the facilities to be furnished in the subdivision.

The time and place of the Pre-Application Conference shall be set by the City Clerk within seven (7) days of the submission of the request and the accompanying exhibits.

Accompanying Material. All accompanying material shall be deemed a part of the preliminary plat. Any action taken on the accompanying material shall be considered the same and in effect as action on the plat.

Separate Exhibits. Accompanying material shall not be shown on the plat drawing but as separate exhibits.

A. Six (6) copies of a sketch plan showing the area to be developed and the approximate layout of the development identifying the facility so as to further indicate nearby streets and property lines. A contour map of the area, either a USGS map or some other map showing the land to be developed should be used.

SECTION 2 - NUMBER OF COPIES AND SCALE

Twelve (12) copies of the preliminary plat shall be submitted for review as designated in these regulations. The scale of the plat shall be one (1) inch equals fifty (50) feet on 24 x 36 sheet. Plats at one (1) inch equals one hundred (100) feet may be submitted on large subdivisions upon approval of the City Engineer. Plats at one (1) inch equals two hundred (200) feet may be submitted on subdivisions within two miles outside the City limits.
SECTION 3 - CONTENTS OF PRELIMINARY PLAT

All preliminary plats submitted shall contain and show on the plat drawing the following items:

A. Identification. The name under which the proposed subdivision is to be recorded, compass point, date and scale.

B. Legal Description. Complete legal description of the property being platted and its acreage.

C. Owner - Developer. Name, address and telephone number of the recorded owner and developer.

D. Engineer - Surveyor. Name, address and telephone number of the engineer and land surveyor preparing the plat.

E. Existing Buildings. Existing buildings with their present use and location within the plat boundary and immediately adjacent area.

F. Streets, Railroads and Rights-of-Way. Names, widths and location of all existing and proposed streets, alleys, railroads and other public right-of-way in or adjoining the proposed subdivision.

G. Utilities. Location, and size where applicable, of existing utilities within and adjacent to the subdivision boundaries.

H. Adjoining Subdivisions. Location and names of adjoining recorded subdivisions and names of recorded owners of unsubdivided parcels immediately adjoining the proposed subdivisions.

I. Easements. Location and character of all existing easements within the proposed subdivision.

J. Dedicated Land for Parks. The location and size of the parcel of land that the subdivider proposes to dedicate to the City as park land. In the event that the City has previously decided to accept a cash contribution in lieu of actual land dedication, this indication shall be made as a note on the plat.

K. Contours. Existing contour lines at intervals not more than two (2) feet. In no case shall there be less than two (2) contours shown.

L. Zoning. Zoning classification of the proposed subdivision shall be shown.
M. Lot Lines. Proposed lot lines with approximate dimensions and square foot area of non-rectangular lots.

N. Lot Numbers. Proposed lot numbers of all lots designed for use as designated in the zoning classification. All lots not meeting the requirements of the zoning classification shall have alphabetical designations. All streets, alleys and other public rights-of-way shall have alphabetical lot designations for ease of clarification and acceptance.

O. Proposed Streets. Proposed streets shall indicate widths, centerline and centerline curve radius where applicable.

P. Public Sites. Any proposed sites for schools, parks, playgrounds, or other public or semi-public areas.

Q. Boundaries. Boundaries of the proposed subdivision shall be indicated by a heavy line with boundary dimensions and bearings.

R. Setbacks. Building setback lines shown on all lots in accordance with the zoning classification.

S. Proposed Easements. Proposed easements for public utility purposes.

T. Proposed Utility Service:

1. Source of water supply (City of Woodward, private utility, etc.)

2. Sewage disposal service (City of Woodward, private utility, septic tanks, etc.)

3. Provision for storm water drainage (City of Woodward, drainage district, unclassified, etc.)

U. Vicinity Map. A vicinity map at a scale not smaller than one (1) inch equals five hundred (500) feet, showing the proposed subdivision in relation to its general surroundings, including streets, subdivisions, etc.

SECTION 4 - MATERIAL TO ACCOMPANY PRELIMINARY PLAT

Sewer, Water and Storm Sewers. Twelve (12) copies of a general overall plan showing the approximate location of the sewer, water and storm sewer improvements that will be provided.
Soil Percolation Tests. Any plat that cannot reasonably be served by public sewer shall provide two (2) copies showing results of soil percolation tests made by the engineer for the owner, and permits issued by the Dallas County Board of Health and/or Boone County Board of Health approving individual wastewater treatment systems.

SECTION 5 - FINAL PLAT - GENERAL

Preparation. The final plat of the proposed subdivision is intended to serve as the record plat. The final plat shall be prepared from an accurate survey by a licensed land surveyor. Plat boundary, lot dimensions and bearings, street locations, area and bearings and the location of all land dedicated to the City for park purposes shall be accurately shown to scale and shall comply with Chapters 354 and 355, Code of Iowa within the tolerances established by the Code of Iowa.

Preliminary Plat On File. A final plat shall not be submitted until the preliminary plat has been approved by the City Council.

Conformity With Preliminary Plat. The final plat shall be submitted in substantial conformance with the approved preliminary plat.

Exhibits. Accompanying material shall not be shown on the plat drawings but as separate exhibits.

Accompanying Material. All accompanying material shall be deemed a part of the final plat. Any action taken on the accompanying material shall be considered the same and in effect as action on the plat.

SECTION 6 - NUMBER OF COPIES AND SCALE

Twelve (12) copies of the final plat shall be submitted for review as designated in these regulations. The scale of the plat shall be one (1) inch equals fifty (50) feet on 24 x 36 size sheet. Plats allowed at one (1) inch equals one hundred (100) feet on the preliminary plat shall also have a scale of one (1) inch equal fifty (50) feet shown on one or more sheets.

SECTION 7 - CONTENTS OF FINAL PLAT

All plats submitted shall contain and show on the plat drawing the following items:

A. Identification. The name under which the proposed subdivision is to be recorded, compass point, date and scale.

B. Legal Description. Complete legal description of the property being platted and its acreage. Legal description shall be metes and bounds. The boundary shall be accurately tied to section corners as required in Chapter 355.8 of the Code of Iowa.
C. **Reference Ties.** Reference ties to section corners found or set as reference monuments for plat shall be in accordance with Chapter 355.11 of the Code of Iowa.

D. **Surveyor.** Names and address of the engineer and land surveyor.

E. **Streets, Railroads and Rights-of-Way.** Names, widths, and location of all existing or proposed streets, alleys, railroads and other public rights-of-way in the proposed subdivision.

F. **Existing Easements.** Location and character of all existing easements within the proposed subdivision.

G. **Park Land Dedication.** The location and size of the parcel of land, if any, that the subdivider is dedicating to the City for park purposes. If the City has elected to accept a cash contribution in lieu of actual land dedication, the items to be submitted with the final plat are reviewed in Subsection 9C.

H. **Survey Data.** Sufficient data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivisions. All distances shall be shown in feet to the nearest one-hundredth (1/100th) of a foot. The course of each such line shown on the plat shall be indicated by a bearing reference. All bearings and angles shown shall be given to at least the nearest 30 seconds of arc. Curve data for control lines such as boundary lines, etc. shall include as a minimum radius, central angle, curve length, chord, chord bearing, tangent, and degree of curvature. Curve data for all other lines shall include as a minimum radius, central angle, curve length, chord and chord bearing.

I. **Lot Numbers.** Proposed lot numbers as designated on the approved preliminary plat.

J. **Public Sites.** Any proposed sites for schools, parks or other public or semi-public areas as shown on the approved preliminary plat.

K. **Boundaries.** Boundaries of the proposed subdivision shall be indicated by a heavy line.

L. **Monuments.** All monumentation as required by Section 355.6 Code of Iowa, shall be designated on the plat and a legend provided describing the monuments and the date the monuments will be or were set.

M. **Setback Lines.** Building setback lines shown on all lots in accordance with the zoning classification.

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N. Proposed Easements. Proposed easements for public utility purposes.


SECTION 8 - INFORMATION REQUIRED PRIOR TO CONSIDERATION

Any plat not containing all of the information specified above shall not be considered by the Commission.

SECTION 9 - MATERIAL TO ACCOMPANY FINAL PLAT

The following material shall be submitted with the final plat for Commission consideration:

A. Construction Drawings. Six (6) sets of construction drawings. Two (2) sets of drawings shall be submitted as a complete set on 24 x 36 sheets, and four (4) sets may be half-size drawings, and shall include the engineering design for all streets, alleys, sanitary sewers, water mains, storm sewers, drainage channels and other appurtenances to subdivision. The set shall include a title cover sheet which indicates the subdivision name, purpose of the plans, an index to its contents, and the engineer's certifications. The set shall also include a plan layout of the subdivision showing the relationship between all the proposed improvements, the hydrant coverages and street lighting plan as specified in these regulations. The set shall include the plans and profiles of proposed sanitary sewers, storm sewers and pavement at a scale of one (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical, with the appropriate details necessary to construct the improvements. Construction drawings shall be prepared by a registered engineer.

B. Protective Covenants. Twelve (12) copies of any protective covenants of the subdivision proposed by the City or subdivider.

C. Cash Contribution. In cases where the City is accepting a cash contribution in lieu of actual land dedication for park purposes, the subdivider shall file with the final plat a statement describing how the value of the cash contribution was arrived at and agreeing thereto that it represents the fair market value of the land that would have otherwise been dedicated. In addition, said statement shall also serve as an agreement between the City and subdivider in regards to what said funds can be used for. In the event the City and subdivider cannot reach agreement on what said funds shall be used for, the question shall be submitted to arbitration with representatives chosen in a similar manner as per Chapter II, Section 11. The arbitrator's decision shall be final.
D. **Agreements.** Twelve (12) copies of the agreement between the City and the subdivider shall be provided. All final plats submitted to the Commission shall be accompanied by a proposed agreement. The agreement shall indicate the plat improvement construction requirements, time limitations, and other items relating specifically to that plat as deemed necessary by the City.

**SECTION 10 - MATERIAL SUBMITTED**

The following material shall be submitted for Council consideration:

A. **Final Plat.** Seven (7) copies of the final plat as approved by the Commission.

B. **Construction Drawings.** Three (3) sets of construction drawings as approved by the Commission.

C. **Protective Covenants.** Twelve (12) copies of the protective covenants as approved by the Commission.

D. **Deed.** A deed to the City, properly executed, for all streets, park areas and any other property intended for public use.

E. **Owner's Certificate.** A certificate by the owner and spouse, if any, that the subdivision is with free consent and is in accordance with the desires of the owners. This certificate must be signed and acknowledged by the owner and spouse before notary public to take the acknowledgments of deeds.

F. **Such other documents** as are required by Section 354.11 Code of Iowa which shall be submitted to the County Recorder, prior to recording.

G. **Bonds.** Performance bonds in the amount and form in conformance with Section 12 of these regulations.

H. **Cash Contribution.** The cash contribution, if any, that the City is accepting in lieu of an actual land dedication for open space purposes along with the statement required as per Subsection 9(C) above.

I. **Construction Schedule.** Twelve (12) copies of an approximate planned construction time schedule.

J. **Resolution Accepting Public Property.** Resolution of acceptance for public property to be deeded to the City as per Subsection 10(D).

K. **Agreement.** Twelve (12) copies of the Agreement between the subdivider and City as approved by the Commission.
L. **Resolution Accepting Final Plat.** A prepared resolution for the City to accept the final plat.

**SECTION 11 - MINOR PLAT**

A. **Purpose and Intent.** To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the minor subdivision will waive the preliminary plat procedure when the conditions below have been met.

B. **Procedure.** Upon the recommendation from the pre-application conference, the determination of the City Clerk with the recommendation of the City Engineer that the proposed subdivision meets the conditions as specified in Chapter 1, Section 2 Definitions; Subdivision-Minor, a developer may be permitted to proceed with a minor subdivision.

C. **Application.** The application for a minor subdivision shall be submitted to the City Clerk at least 14 days prior to the Planning Commission meeting at which time the plat is to be acted upon. The following shall be submitted with the application:

1. Application fee.
2. Twelve (12) copies of the plat.
3. Statement listing all owners of record of the land being platted.
4. A list providing property addresses, owner and their mailing addresses of all properties within 200 feet of the exterior boundaries of the plat obtained from the Dallas County and/or Boone County Recorder’s office.
5. Any other supplemental material as required for final plat.

D. **Application Acceptance or Refusal:** Upon submittal of the minor subdivision plat, the City Clerk shall review the plat to ensure all data required has been provided. The submitted application and supplemental material shall then be forwarded to the City Engineer for review of correctness of form. Specifically, the Public Works Director and City Engineer may refuse to proceed with a minor subdivision plat if one or more of the following conditions are present.

1. The proposed lots violate the City’s zoning or subdivision ordinance.
2. The plat would require the dedication or vacation of any public right-of-way.
3. The plat would require the vacation of any necessary easements.
4. In the opinion of the City Engineer, additional public right-of-way should be dedicated.

5. In the opinion of the City Engineer, the plat does not conform to the comprehensive plan or other plans for the area.

If any of the above conditions are found and the developer wishes to proceed to subdivide, the preliminary and final plat procedure shall be adhered to in lieu of minor plat.

E. Planning Review. The City Clerk shall provide copies of the plat with a request for written comments in seven (7) days from the City Engineer, City Attorney, and any other utilities or governmental officials that are deemed necessary.

F. Planning Commission Review. The minor subdivision plat shall be reviewed by the Planning Commission in accordance with Planning Commission review of a final plat.


H. City Council Action. The minor subdivision plat presented to the City Council shall be identical to the plat acted upon by the Planning Commission. Upon approval of the minor subdivision plat by the City Council, a certificate of recommended approval by the Planning Commission and approval by the Mayor of the City shall be signed. The minor plat shall be signed by the Chairperson and Secretary of the Planning Commission, and the Mayor and Clerk.

I. Approve Minor Subdivision Plat Recording. The minor subdivision plat shall be recorded in accordance with final plat recording provisions.

J. Minor Subdivision Plat Limit. The minor subdivision plat shall become null and void in accordance with final plat provisions unless an extension is granted per said section.

K. Minor Subdivision Plat Information. The minor subdivision plat shall be prepared in accordance with the final plat requirements of Chapter III, Sections 5 through 10.
SECTION 12 - PERFORMANCE BOND

A. General. Before the City Council approves the final plat, all of the improvements required under Chapter III shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements and agreements between the Subdivider and the City. This requirement may be waived if the Subdivider will post a cash or corporate surety bond or certified check or surety approved by the City Council with the City, guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. Such performance bonds 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.

B. Separate Bonds Required. A separate bond shall be posted for each phase of the construction such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.

C. Amounts. Bond amounts will be determined by submitting to the City the quantities of work to be completed and cost estimates therefor as prepared by the subdivider's engineer for the improvements involved. All estimates shall be approved by the City Engineer with recommendation to the City Council.

D. Approval. All bonds shall be approved by the City Council as to amount and surety and conditions. The Council may at any time during the period of such bonds accept a substitution of principal or surety on the bond upon recommendation of the Commission.

E. Release or Reduction. The performance bond may not be released or reduced except as follows:

1. The Council will not accept dedication of required improvements, nor release nor reduce a performance bond, until the City Engineer has submitted a recommendation stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed, record drawings of the improvement indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction drawings for the subdivision as prescribed in these regulations.
2. A performance bond will be released upon actual dedication and acceptance of the public improvements. Partial release or reduction of the original bonds may be approved by the City Council upon dedication and acceptance of the improvements complete. The amount of the reduction shall be the ratio that the completed improvements bear to the total public improvement bonds originally submitted.

SECTION 13 - MAINTENANCE BONDS

A. **Posted.** The subdivider shall at the time of acceptance of the improvements by the City Council, post maintenance bonds in an amount described herein as sufficient and as approved by the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations.

B. **Separate Bonds Required.** A separate bond shall be posted for each phase of the construction such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.

C. **Time Period.** The subdivider shall be required to maintain all required improvements free of defects due to faulty materials and workmanship after acceptance of said improvements by the City Council for a period specified below:

1. Sanitary Sewer - two (2) years
2. Water Main - two (2) years
3. Storm Sewer - two (2) years
4. Pavement - four (4) years
5. Sidewalk - two (2) years

D. **Subcontractor Bonds.** Maintenance bonds posted by the subdivider's contractor may be accepted.

E. **Amount.** Maintenance bonds shall be in the amount of the performance bonds.
SECTION 14 - RECORDS AND REQUIREMENTS
The Clerk shall maintain a record of all bonds and the expiration dates thereof. All contractors and developers whose public improvements are secured by bonds which improvements have not been completed prior to ninety (90) days of their expiration, shall be served with a written notice by ordinary mail by the Clerk advising the developer or contractor that the improvements have not been completed. The notice shall describe the improvement, state the final date for completion, and shall inform the developer or contractor that if the improvement is not completed and accepted by the City on or before the expiration date, the City will proceed to call the bond. A copy of the notice shall be mailed to the financial institution or insurance company furnishing the bond. The written notice shall be served by mailing not less than eighty (80) days prior to the expiration date for the completion of the public improvement.

SECTION 15 - PROCEDURE ON DEFAULT
In the event that the required public improvements have not been completed and accepted by the City prior to the final expiration date, the City shall, within a reasonable time thereafter, not to exceed thirty (30) days, make a written demand upon the insurance company or financial institution furnishing the bond, and the insurance company or financial institution shall forthwith pay to the City the amount of the bond. Any action to enforce collection of the bond shall be commenced by the City within six (6) months following the expiration date for the improvement, notwithstanding any contrary provision in the instrument. Cost of collection shall be paid by the Owner.

SECTION 16 - SURVIVAL OF OBLIGATION
The obligation of the insurance company or financial institution furnishing the bond shall survive the expiration date to the extent necessary to permit enforcement of the obligation by the City according to the terms of this chapter. Any contrary terms and provisions in the bond or letter of credit shall be of no force or effect.

SECTION 17 - NOTICE EXCEPTION
The provisions of this chapter shall apply in like manner to performance bonds, with the exception of the notice requirements provided for in Section 14.

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CHAPTER IV
SUBDIVISION REGULATIONS - APPLICATION, REVIEW AND APPROVAL PROCESS

SECTION 1 - GENERAL

In obtaining final approval of a proposed subdivision by the Planning and Zoning Commission and the City Council, the subdivider shall submit a preliminary plat and required accompanying material in accordance with the following order and procedures.

SECTION 2 - PRELIMINARY PLAT

A. Preparation. The applicant shall prepare a preliminary plat in accordance with the provisions of the Zoning Ordinance and these regulations. The applicant shall contact the City Hall prior to submittal as described in Chapter III, Section 1.

B. Application. Applicant shall file with the City Clerk an application for Commission and City Council consideration of the preliminary plat at least twenty-one (21) days prior to the regular commission meeting. Application shall be accompanied by the following:

1. Twelve (12) copies of the preliminary plat.


3. Filing fee as specified by the City Council.

4. Two (2) copies of the percolation test, if required.

C. Referrals. The City Clerk shall forward one (1) copy of the preliminary plat and the improvement layout to the City Engineer, seven (7) copies to the Commission members, one (1) copy to the Parks and Recreation Department and one (1) copy of the percolation test to the City engineer, if applicable. The City Clerk shall retain one (1) copy of all material for the City files.

D. Review. The preliminary plat shall be reviewed by the Commission, City Engineer, Parks and Recreation Department and other departments if required by the Commission to determine its conformity with the Zoning Ordinance, these regulations and all other ordinances and regulations in force affecting the subdivision. The Parks and Recreation Department shall review the plat and recommend whether or not it is desirable for the City to require the subdivider to dedicate five (5) percent of the land for open space uses, or whether the City should accept a cash contribution in lieu thereof.
E. **Commission Action.** The Commission shall in its regular scheduled meeting, but not later than sixty (60) days after the date of application, act upon the preliminary plat and accompanying material. The City Engineer, Parks and Recreation Department and other departments shall submit to the Commission their recommendation. Applicant or a representative shall be present at the meeting. Action of the Commission shall be approval, approval subject to conditions, or denial.

F. **Time.** Should the Commission fail to act on the preliminary plat within sixty (60) days following the date of application, provided, however, that the applicant may agree to an extension of time not to exceed an additional sixty (60) days, the preliminary plat shall be deemed approved as submitted and forwarded to the City Council.

G. **Approval.** In the case of approval by the Commission, the approval shall be documented on seven (7) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, one (1) copy shall be retained by the Commission and five (5) copies shall be forwarded to the City Council.

H. **Conditional Approval.** In the case of approval subject to conditions by the Commission, the approval shall be documented on seven (7) copies of the preliminary plat and the conditions determined attached thereto. One (1) copy shall be returned to the subdivider, one (1) copy shall be retained by the Commission, and five (5) copies shall be forwarded to the City Council. The applicant shall provide revised copies of the preliminary plat in accordance with the Commission action and submit seven (7) copies to the city Clerk prior to Council action. The City Clerk shall forward one (1) copy to the City Engineer, five (5) copies to the City Council and one (1) copy for the Commission files.

I. **Denial.** In the case of denial by the Commission, the denial shall be documented on three (3) copies of the preliminary plat. One (1) copy shall be returned to the applicant, one (1) copy shall be retained by the Commission, and one copy shall be retained by the City Clerk.

J. **Appeal To Council.** In the case of denial or approval subject to condition by the Commission, the applicant can request in writing that the Commission forward the plat without revisions in whole or in part to the City Council. Such request must state specific reasons and conditions for variation and exceptions from the Commission's recommendations. The Commission shall forward five (5) copies of the preliminary plat and applicants request to the Council.

K. **Council Action.** At the next regularly scheduled Council meeting, but in no case later than sixty (60) days following Commission action, the Council shall act on the preliminary plat and accompanying material. Applicant or a representative shall be present at the meeting. Action of the Council shall be approval or denial.
L. **Time.** Should the Council fail to act on the preliminary plat within sixty (60) days following the Commission action, provided, however, that the applicant may agree to an extension of time not to exceed an additional sixty (60) days, the preliminary plat shall be considered approved as submitted and the applicant may submit the final plat.

M. **Approval.** In the case of approval by the Council, the approval shall be documented on three (3) copies of the preliminary plat. One (1) copy shall be returned to the applicant. One (1) copy shall be forwarded to the Commission, one (1) copy shall be retained by the City Clerk. Applicant may then proceed with approval of final plat and accompanying material.

N. **Denial.** In the case of denial by the Council, the denial shall be documented on three (3) copies of the preliminary plat. One (1) copy shall be returned to the applicant, one (1) to the Commission and one (1) copy shall be retained by the Council.

O. **Resubmittal of Plat Denied by Council.** A preliminary plat that has been approved by the Commission and denied by the Council may be revised by the applicant in accordance with the Council action and twelve (12) copies resubmitted to the Commission for approval as before.

P. **Resubmittal of Plat Denied by Council and Commission.** A preliminary plat that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes twelve (12) copies of the preliminary plat and filing fees. Resubmittal under these terms shall be considered a new plat.

Q. **Approval Void.** The approval of the preliminary plat by the City Council shall be null and void unless the final plat is presented to the City within one and one-half (1-1/2) years after the date of the said preliminary plat approval.

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**SECTION 3 - FINAL PLAT**

A. **Preparation.** The applicant shall prepare a final plat in substantial compliance with the approved preliminary plat and in accordance with the provisions of the Zoning Ordinance and these regulations.

B. **Application.** Applicant shall file with the City Clerk an application for commission and City Council consideration of the final plat at least fourteen (14) days prior to the regular Commission meeting. Application shall be accompanied by the following:

1. Twelve (12) copies of the final plat.
2. Three (3) sets of the record drawings of the construction drawings.

3. Twelve (12) copies of the protective covenants.

4. Filing fees as specified by the City Council.

5. Twelve (12) copies of the agreement between the owner-subdivider and the City.

C. **Referral.** The City Clerk shall forward one (1) copy of the final plat to the City Engineer, one (1) copy to the Parks and Recreation Department, and seven (7) copies to the Commission members. One (1) copy of the protective covenants and the agreement between the owner-subdivider and the City shall be delivered to the City Attorney, one (1) to the City Engineer, and seven (7) to the Commission members for their review. One (1) copy of the construction drawings shall be forwarded to the City Engineer, one (1) to the Public Works Department, and one (1) retained for Commission meeting. The City Clerk shall retain one (1) copy of all the material for the City files.

D. **Review.** The final plat and accompanying material shall be reviewed by the Commission members, City Engineer, Parks and Recreation Department, and the City Attorney to determine its conformity with the Zoning Ordinance, these regulations, and all other ordinances and regulations in force affecting the subdivision.

E. **City Engineer.** The City Engineer shall review the construction drawings in accordance with the design standards and City construction specifications.

F. **Time.** The Commission shall, in its regularly scheduled meeting, but not later than sixty (60) days after the date of application, act upon the final plat and accompanying material. The City Engineer, the City Attorney, and Parks and Recreation Department shall submit to the Commission their recommendations. Applicant or a representative shall be present at the meeting. Action of the Commission shall be approval, approval subject to conditions, or denial.

G. **Approval Without Action.** Should the Commission fail to act on the final plat within sixty (60) days following the date of application provided, however, that the applicant may agree to an extension of time not to exceed an additional sixty (60) days, the final plat shall be deemed approved as submitted and forwarded to the City Council.

H. **Commission Approval.** In the case of approval by the Commission, the approval shall be documented on seven (7) copies of the final plat. One (1) copy shall be returned to the applicant, one (1) copy shall be retained by the Commission, and five (5) copies shall be forwarded to the City Council.
I. **Conditional Approval By Commission.** In the case of approval subject to conditions by the Commission, the approval shall be documented on seven (7) copies of the final plat and the conditions determined attached thereto. One (1) copy shall be returned to the subdivider, one (1) copy shall be retained by the Commission, and five (5) copies shall be forwarded to the City Council. The applicant shall make the revisions to the final plat in accordance with the Commission action and submit seven (7) copies to the City Clerk. The City Clerk shall forward one (1) copy to the City Engineer, and five (5) copies to the City Council and one (1) copy for the Commission files.

J. **Denial.** In the case of denial by the Commission, the denial shall be documented on two (2) copies of the final plat. One (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Commission.

K. In the case of approval subject to condition or denial by the Commission, the applicant can request in writing that the Commission forward the plat without revisions in whole or in part to the City Council. Such request must state specific reasons and conditions that exist for noncompliance with the Commission's recommendations. The Commission then shall forward five (5) copies of the final plat and applicants request to the Council with their recommendations and reasons for denial or conditions.

L. **Submissions Prior to Council Action.** At least fourteen (14) days but not more than sixty (60) days prior to Council action, applicant shall submit to the City Clerk the following:

1. Should the final plat, construction drawings, protective covenants, or agreement between the owner-subdivider and the City be altered or amended by the Commission the following corresponding material shall be submitted:

   a. Seven (7) copies of the final plat as approved by the Commission.

   b. Three (3) sets of construction drawings as approved by the Commission.

   c. Seven (7) copies of the protective covenants as approved by the Commission.

   d. Seven (7) copies of the agreement between the owner-subdivider and the City as approved by the Commission.

2. Deed to the City for all property and right-of-way intended for public use.

3. The cash contribution, if any, that the City is accepting in lieu of an actual land dedication for park purposes along with the statement as required by Chapter II, Section 11.

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4. A consent to plat certificate by the owner and spouse, if any.

5. A certificate from the County Treasurer that the property is free from taxes.

6. The attorney's opinion the property is without encumbrances.

7. Two (2) copies of the performance and maintenance bonds.

M. **Referrals.** The City Clerk shall forward a copy of the deeds, consent to plat, County Treasurer's certificate, attorney's opinion and performance bonds to the City Attorney. One (1) copy of the performance bonds and construction schedule shall be forwarded to the City Engineer. In addition one (1) copy of the amended final plat, construction drawing and/or protective covenants, if applicable, shall be forwarded to the City Engineer and the Commission with the remaining copies forwarded to the Council.

N. **Failure to Submit.** Should the applicant fail to submit the accompanying material within sixty (60) days following Commission action, provided, however, the Commission shall agree to an extension of time not to exceed an additional sixty (60) days, the Commission action shall be considered null and void.

O. **Action By Council.** At the next regularly scheduled Council meeting, but in no case later than sixty (60) days following applicant's submittal of accompanying material, the Council shall act on the final plat and accompanying material. Applicant or a representative shall be present at the meeting. Action of the Council shall be approval or denial.

P. **Approval Without Council Action.** Should the Council fail to act on the final plat within sixty (60) days after receipt of accompanying materials, provided, however, that the applicant shall agree to an extension of time not to exceed an additional sixty (60) days, the final plat shall be deemed approved as submitted and applicant may record plat.

Q. **Recording.** In the case of approval by the Council the approval shall be documented on three (3) copies of the final plat. One (1) copy shall be returned to the applicant. One (1) copy shall be forwarded to the Commission, and one (1) copy shall be retained by the City Clerk. Applicant shall then record the plat as required in these regulations.

R. **Denial By Council.** In the case of denial by the Council, the denial shall be documented on three (3) copies of the final plat. One (1) copy shall be returned to the applicant, one (1) to the Commission, and one (1) shall be retained by the Council.
S. **Resubmission of Plat Denial By Council.** A final plat that has been approved by the Commission and denied by the Council, the applicant shall revise the final plat in accordance with the Council action and resubmit twelve (12) copies to the Commission for approval as before.

T. **Resubmission of Plat Denied by Council and Commission.** A final plat that has been denied by both the Commission and Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures which includes twelve (12) copies of the final plat, accompanying material and filing fees. Resubmittal under these terms shall be considered a new plat.

**SECTION 4 - RECORDING OF PLAT AND BUILDING PERMITS**

A. **Statement of Approval.** Upon Council approval of the final plat, the City shall present to the applicant a resolution of approval to be presented to the Dallas County Recorder and/or Boone County Recorder for applicant’s recording of the plat.

B. **Certificate of Recording.** Applicant shall submit to the City Clerk a certificate of recording from the County Recorder’s office.

C. **Approval Void.** Approval of the final plat by the City Council shall be null and void unless the plat is filed in the office of the Dallas County Recorder and/or Boone County Recorder within sixty (60) days of the date of said final plat approval.

D. **Permits.** Following the submittal of Certification of Recording to the City, the applicant or property owners within the recorded plat may make application to the City for the building permits, in accordance with that Department’s regulations. Occupancy permits will not be issued until the following procedures have been completed.

**SECTION 5 - CONSTRUCTION OF IMPROVEMENTS**

A. **Submissions Prior to Construction.** Submittal of two (2) certified copies of the Iowa Department of Natural Resources (IDNR) approved construction drawings and other permits as required by the state and county regulatory agencies must be received prior to acceptance and approval of the construction plans by the City Council. Construction may commence after City Council approval, and improvements completed within one (1) year of construction plan approval.

B. **Pre-Construction Conference.** The subdivider shall request from the City a pre-construction conference. Such conference may include the subdivider, subdivider’s engineer, subdivider’s contractors, City Engineer, and City staff.
C. **City Engineer Supervision.** Construction may commence after approval of construction plans by the City Council. Contractors shall notify the City Engineer twenty-four (24) hours in advance of commencing construction. All phases of construction shall be in accordance with the City standards and the approved plans and shall be under review of the City Engineer.

**SECTION 6 - ACCEPTANCE OF IMPROVEMENTS**

A. **Inspection.** Upon completion of construction, the City Engineer, or his/her designee, shall final inspect the improvements. Subdivider may request that the City accept each phase of construction (sanitary sewer, water mains, pavements, etc.) as they are completed.

C. **Request for Acceptance.** The subdivider shall submit the following items with the request for acceptance to the City Clerk prior to approval of final plat by the Commission and City Council.

1. Three (3) copies of the record drawings prepared by the subdivider's engineer in accordance with the Code of Iowa.
2. Notification from the City Clerk that all fees have been paid.
3. Maintenance bonds in the amount specified for the improvement to be accepted.
4. Certification from the land surveyor that all property corner monuments are in place as indicated on the final plat.

C. **Distribution of Copies.** The City Clerk shall forward two (2) copies of the construction record drawings and one (1) copy of the maintenance bonds to the City Engineer, and one (1) copy of the maintenance bonds to the City Attorney for review. The City Clerk shall retain one (1) copy of each for the City files.

D. **Action By Council.** The Council at a regularly scheduled meeting shall act upon the acceptance request. The City Engineer and the City Attorney shall submit to the Council their recommendations. The Council's action shall be approval or denial.

E. **Denial.** In the case of denial the Council shall notify the applicant of its decision and the reasons thereof. Applicant shall correct any improvements in accordance with the Council action.

F. **Approval.** In the case of approval, the Council shall release the performance bonds if provided by the subdivider for the improvements corresponding to the improvements accepted.
G. **Permits.** Upon acceptance of all improvements in the subdivision, or as deemed appropriate by the Council, with recommendation from the City Engineer, building permits may be issued by the building inspector.

**SECTION 7 - MAINTENANCE OF IMPROVEMENTS**

A. **Maintenance By City.** The improvements accepted shall be generally maintained by the City as to cleaning, snow removal, and general maintenance according to the City's policies toward public utilities and right-of-way.

B. **Corrective Construction or Reconstruction.** The City shall review the improvement facilities through the life of the maintenance bonds with regards to stability of material and workmanship. During the life of the bond, should corrective construction or reconstruction be required in the opinion of the City Engineer, the City shall notify the principal of the bond as to the deficiencies that have occurred. Principal shall, within a reasonable time, repair or replace the defective portion of the improvements involved at no cost to the City under the terms of the bond.