

## CHAPTER 170 SUBDIVISION REGULATIONS

### § 170.001 STATEMENT OF PURPOSE

(A) The purpose of these regulations is:

- (1) To provide a means for review by which the **City** may balance the rights of land owners and the public interest concerning land use and the division and subdivision of land.
- (2) To provide, through a uniform platting process, accurate descriptions of real estate, in order to prevent title and boundary disputes.
- (3) To provide a balance between the land use rights of landowners and the economic, social and environmental concerns of the public.
- (4) To provide uniform guidelines for platting lands within the community and within the authority of the **City** and its Planning and Zoning Commission.
- (5) To encourage orderly community development with regulated control of extension of public improvements, services and utilities, consistent with the approved Comprehensive Plan for the **City**.

### § 170.002 JURISDICTION

(B) The rules, standards, and conditions governing plats and subdivision of land and requirements for approval of the same contained in this Ordinance shall apply to all land within the **City** and, in accordance with Section 354.9 of the Code of Iowa, to all land located within two (2) miles of the municipal boundaries of the **City** which is not within the boundaries of another municipality. In the event of overlapping jurisdiction within such two-mile limit, jurisdiction and review herein shall not extend to land, plats or subdivision approval within the exclusive jurisdiction of another city pursuant to a valid agreement established between the **City** and such other city under Chapter 28E of the Code of Iowa.

### § 170.003 DEFINITIONS

**Alley or Service drive:** a passage or way generally affording a secondary means of vehicular access to abutting properties

**Building Inspector:** the person designated by the City Council of West Burlington to act in the official capacity of inspector of buildings and property, and enforce all **City** and State building codes

**City Engineer:** the designated, licensed engineer for the City of West Burlington

**City Plan or Comprehensive Plan or Official Plan:** the adopted long range plan for orderly growth and development of the **City**

**Collector street:** a street serving as a connection between a thoroughfare and minor or local street

**Commission:** the Planning and Zoning Commission of the City of West Burlington

**Final plat:** a final platting of the proposed subdivision, prepared in accordance with this regulation by a registered Iowa land surveyor

**Improvements:** the streets, sanitary and storm drainage, water supply and other public utilities required before development of a subdivision can begin

**Lot:** a parcel of land intended for transfer of ownership or building development, whether immediate or future. A lot shall have frontage on a public street

**Lot of record:** a lot which is a part of a subdivision, the plat of which has been recorded

**Planning and Zoning Administrator:** A member of city staff or their designee whose role is to interpret, administer, and enforce the Zoning Ordinance. The Planning and Zoning Administrator may defer duties to the Building Inspector or another city staff designee.

**Planning Secretary:** the Secretary of the Planning and Zoning Commission, may be the City Clerk.

**Preliminary plat:** a properly prepared drawing, of the layout of a proposed subdivision, prepared in accordance with this regulation or an engineering or planning service approved by the Planning and Zoning Commission

**Streets:** passages or ways providing the primary means of vehicular travel through the community

**Arterial Streets:** Major thoroughfares primarily intended for thru traffic

**Collector Streets:** a street serving as a connection between an arterial street and minor or local streets

**Cul-de-Sac:** a minor street ending in a turn-around

**Local or Minor Street:** a street intended to serve local traffic within neighborhoods and sub-neighborhoods

**Subdivision:** the division or re-division of a tract or parcel of land into two (2) or more lots, plots, sites, or other divisions of land, for the purpose of transferring ownership or preparing for immediate or future development; It can also refer to the consolidation of parcels, for the same purpose.

#### **§ 170.004 COMPLIANCE REQUIRED**

~~(C)~~(A) Within the territorial limits of the subdivision regulations, no person shall change, re-subdivide or rearrange the boundary or division line of any lot or parcel of land, or divide the same by any means into lots for any purpose, nor shall any such person begin with any construction work in a proposed subdivision, including grading, without complying with the provisions of this Ordinance before obtaining the approval of the preliminary plat and final construction plans of the proposed subdivision as hereinafter provided in

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this Ordinance. Unless approved as a final plat as provided herein, no subdivision shall be entitled to be recorded in the Des Moines County Recorder's office or have any validity; the Building Inspector shall not issue building or repair permits; and the Council shall not accept any public improvements or provide services in such subdivision.

#### § 170.005 ENFORCEMENT OF PROVISIONS

~~(D)~~(A) These regulations shall be enforced within the cCity limits. On land located within two miles of the cCity limits and in jurisdiction of the West Burlington Planning Authority, enforcement of regulations shall be made through mutual agreement between Des Moines County and the cCity.

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#### § 170.006 VIOLATION; PENALTY; REPORT OF VIOLATIONS

~~(E)~~(A) Any person who violates, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of the regulations set out in this Ordinance shall be fined no less than \$50.00 and no more than \$200.00 for each offense; and each day that a violation is permitted to exist shall constitute a separate offense. All such violations will be reported through the office of the Building Inspector, and enforcement carried out by appropriate jurisdiction.

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#### § 170.007 PRELIMINARY PLAT

~~(F)~~(A) In planning and developing a subdivision, the general principles and requirements set forth in this Ordinance shall be observed and in every case the following procedure shall be pursued:

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- (1) Submittal of Sketch Plan. The subdivider (or associated engineer or land surveyor) shall submit a plat in sketch form to a Plat Review Board, consisting of representatives of the City Engineer, the Commission, the Council, and the City ClerkPlanning Secretary, to assure that the proposed subdivision will conform to the regulations in this Ordinance, and to provide the subdivider with the necessary information to develop a Preliminary Plat, construction plans and Final Plat. Record of the review meeting shall become a part of the Preliminary Plat review.
- (2) Preparation of Preliminary Plat. The subdivider, after submitting the plat in sketch form to the Plat Review Board, shall prepare a Preliminary Plat of the proposed subdivision and preliminary construction plans for improvements adequate to determine that sewer, water, drainage and street construction can be installed conforming with the requirements set forth in this and other relevant cCity Ordinances. The subdivider shall show on the Preliminary Plat that written approval of the plat has been given by the gas and electric utilities, the appropriate telephone company, West Burlington cCity utilities, police, Building Inspector, Fire Department, and where their jurisdiction is required, the County Soil and Water Conservation District, the County Engineer and the County Health Unit.
- (3) Submission of Preliminary Plat. The subdivider shall file with the City ClerkPlanning Secretary an application in writing, seeking the approval of the plat

and preliminary construction plans, accompanied by seven (7) paper copies of the Preliminary Plat, in blue or black print. The application shall be submitted at least one week prior to a regularly scheduled meeting of the Commission.

#### § 170.008 REQUIREMENTS OF THE PRELIMINARY PLAT

~~(G)~~(A) The Preliminary Plat of a subdivision shall abide by the following requirements:

- (1) Vicinity Sketch. A vicinity sketch at a scale of 2,000 feet or less per inch shall be drawn on or shall accompany the preliminary plat. The plat or the sketch shall show all adjacent existing subdivisions and their names, the tract lines of acreage parcels of land together with the names of record owners of such parcels, and all street and alley lines immediately adjoining the proposed subdivision and between it and the nearest existing highways or arterial streets.
- (2) Scale. The horizontal scale of the Preliminary Plat shall be 100 feet or less to the inch.
- (3) The preliminary plat should show clearly and include the following features and information:
  - (a) The proposed name of the subdivision, which shall not duplicate nor closely approximate the name of any other subdivision in the City of West Burlington, within the Extraterritorial Subdivision Review Area, or within 1 mile of the ~~c~~City limits, in a separate municipality.
  - (b) An accurate description of the property involved according to real estate records of Des Moines County, or according to recent land survey.
  - (c) The names and addresses of owners of record, the subdivider and the preparer of the plat.
  - (d) The names of adjoining subdivisions and the names of record owners of adjoining parcels of land.
  - (e) The boundary lines, accurate in scale, of the tract to be subdivided.
  - (f) The location, widths and names of all existing or platted streets within or immediately adjacent to the tract, corporation lines, section and quarter-section lines, and other important features such as existing permanent buildings, water courses, railroad lines, etc.
  - (g) Existing and proposed sewers, water mains, culverts, other underground structures and other public utilities, showing any easement of record, sizes and grades of the facilities.
  - (h) Contour lines, with intervals of two (2) feet referenced to U.S. Geological Survey north American Datum-Mean Sea Level Datum.

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- (i) The layout, proposed names and widths of proposed streets, alleys, and easements; the location and approximate sizes of proposed catch basins, culverts and other drainage structures and features; the layout, numbers and approximate dimensions of proposed lots.
- (j) Proposed front yard setback lines and other setback lines.
- (k) The width and approximate dimensions of all parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, conditions of maintenance, or limitations of such dedication or reservation indicated.
- (l) North point, scale and date.
- (m) Copies of any proposed easements, showing locations, dimensions, purposes and limitations.
- (n) Notation stating "PRELIMINARY PLAT, NOT FOR RECORD."
- (o) A legend, showing definition of pertinent symbols appearing on the plat.
- (p) Any covenants pertaining to special considerations or limitations within the subdivision.

#### § 170.009 PRELIMINARY CONSTRUCTION DRAWINGS

~~(H)~~(A) The subdivider's engineer shall prepare preliminary plans for all proposed improvements in such form as to enable the City Engineer to determine that sewers, water, drainage and streets may be constructed according to ~~c~~City codes.

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#### § 170.010 COMMISSION REVIEW

~~(H)~~(A) The Planning and Zoning Commission upon receipt of the application and copies of the preliminary plat may request the City Engineer to review the plat and preliminary construction plans for any proposed improvements. Upon receipt of the engineer's advice and recommendations, the Commission shall check the plat for its conformity with the ~~Comprehensive~~city Plan and ordinances and the principles, standards and requirements set forth in these regulations. Within 45 days of receipt of the plat, the Commission shall forward its report and recommendation regarding the plat to the Council. Its recommendation shall be:

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- (1) Approval of the plat as presented;
- (2) Approval of the plat with modifications, the reasons for which shall be set forth in writing to the Council with a copy of the report and recommendations sent to the applicant; or
- (3) Disapproval of the plat, with reasons in writing to the Council and applicant.

#### § 170.011 COUNCIL APPROVAL OF PRELIMINARY PLAT

~~(A)~~ The Council shall examine the plat, the report of the City Engineer, the report of the Commission, and such other information as it deems necessary or desirable. Upon such examination, the Council shall ascertain whether the plat conforms to the ordinances and standards of the ~~C~~City, and will be conducive to the orderly growth and development of the ~~C~~City, in order to protect the public health, safety and welfare. Following such examination, the Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the Council, and such decisions shall be provided to the subdivider. Action on the preliminary plat by the Council shall be taken within sixty (60) days of the receipt of the plat by the Council, unless such time period is extended by agreement between the subdivider and the ~~C~~City.

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~~(B)~~ Upon approval, or conditional approval, of the preliminary plat, one copy of the approved or conditionally approved plat shall be returned to the subdivider within ten (10) days following Council action, one copy of the approved plat transmitted to the Superintendent of the Independent School District of West Burlington, and one to the City Engineer, and the final copy retained in the Planning and Zoning Commission's files. Where the subdivision lies outside the corporate limits but within the limits of jurisdiction, a copy of the plat will be transmitted to the County Engineer.

#### § 170.012 CONSTRUCTION OF IMPROVEMENTS

~~(A)~~ The subdivider, after approval of the Preliminary Plat, may secure approval from the City Engineer of the final construction plans and specifications for streets, storm and sanitary sewers, drainage, water supply and other public utilities, and construct improvements according to plans, or in lieu thereof, shall, to insure the satisfactory installation of the improvements in accordance with the Commission's regulations, post with the ~~C~~City a surety bond, in form prescribed by the Council, sufficient to cover the full cost of the improvements, based upon estimate prepared by the subdivider's engineer and approved by the City Engineer. Where the subdivision lies outside the corporate limits but within limits of jurisdiction, the subdivider shall obtain permits and approval of final construction drawings from the County Engineer or, to insure satisfactory installation of the improvements, shall provide the County Engineer a surety bond in conformance with this Ordinance. Improvements shall be installed in accordance with final construction plans and specifications and the requirements of the ~~C~~City codes, unless a surety bond is filed prior to request for approval of the final plat.

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#### § 170.013 CONSTRUCTION SPECIFICATIONS; COMPLETION AGREEMENT

~~(A)~~ All of the improvements required under this Ordinance shall be constructed in accordance with construction plans and specifications approved by the City Engineer in respect to construction details and proper site observation of the improvements to be installed. Improvements shall be completed prior to the filing with the Commission of the final or record plat and request for final approval. The subdivider's engineer shall furnish the

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City with a statement that all improvements have been constructed in practical conformance with the plans and specifications. A copy of all tests performed, as required by the plans or specifications, shall be furnished to the City Engineer.

~~(A)~~(B) In lieu of completing all the improvements as required in subsection 1 above, the subdivider shall furnish the Commission with a surety bond, sufficient to cover the cost of any or all of the improvements required to be installed by the subdivider, based on estimates approved by the City Engineer, thereby to secure the actual construction and installation of such improvements within one year after the approval of the final plat, subject to extension by the Commission. In the event the subdivider has not completed the sidewalks required by the regulations, the subdivider shall furnish the Commission with a separate surety bond sufficient to cover the cost of the installation of sidewalks required to be installed by the subdivider, based on estimate approved by the City Engineer, to secure the actual construction and installation of such sidewalks.

~~(C)~~(C) All plans for improvements shall be referenced to the United States Geological Survey datum.

~~(D)~~(D) Approval of other agencies having jurisdiction shall be obtained prior to improvements being installed. Example: State Department of Natural Resources.

~~(E)~~(E) Construction plans and specifications shall be prepared and certified by a registered Iowa Professional Engineer.

~~(F)~~(F) Plans for streets, drainage facilities, sanitary sewers and water distribution system shall be drawn at a horizontal scale of 50 feet or less per inch and a vertical scale of 5 feet or less per inch.

#### § 170.014 FINAL PLAT

~~(S)~~(A) The subdivider, upon completion of all improvements required by this Ordinance, or upon posting of a bond, shall file with the Commission the Final Plat for approval. The plat must conform in every respect with the requirements specified in this Ordinance. The subdivider shall submit the Final Plat no later than one year after approval of the Preliminary Plat. A Final Plat may be a portion of a larger subdivision for which a Preliminary Plat had been previously approved.

~~(T)~~(B) The subdivider shall submit eight (8) paper copies of the Final Plat, in blue or black print, including one 11 x 17 reduced, reproducible copy, as well as a digital copy, with a formal request for approval. They shall also include two copies of all covenants or restrictions pertaining to the plat. The applicant shall also submit a copy of the approved Preliminary Plat.

~~(U)~~(C) Requirements of the Final Plat. The Final Plat shall be drawn to a scale of 100 feet or less to the inch and shall clearly show the following features and information:

- (1) Legal description of the property, including reference to two section corners within the United States public land survey system.

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- (2) All plat boundary lines with lengths of courses to hundredths of a foot and bearings or angles based on an accurate survey in the field.
- (3) The exact locations and the widths along the property lines of all existing or recorded streets or roads intersecting or paralleling the boundaries of the tract.
- (4) Bearings and distances to the nearest established survey lines or other official monuments, which monuments shall be located or accurately described on the plat.
- (5) The accurate location and material of all permanent reference monuments. Such monuments shall be reinforced concrete cylinders or rectangular prisms, no less than 4 inches in diameter or square, and 24 inches long, located at each corner of the subdivision. Other markers shall be steel rods, no less than one-half inch in diameter and 24 inches in length, located at all street corners, lot corners, at all points where street lines intersect the plat boundary lines, and at angle points and points of curve in each street. Any pins disturbed by construction or grading shall be accurately reset.
- (6) The exact layout including:
  - (a) Street and alley lines – their names, bearings, angles of intersection and widths (including widths along the line of any obliquely intersecting street);
  - (b) The lengths and curve data of all arcs, radii, points of curvature and tangent bearings;
  - (c) All easements and purposes of easements or rights-of-way, when provided for or owned by the city of public utilities (with the limitation of the easement rights definitely stated on the plat);
  - (d) All lot lines with dimensions in feet and hundredths, length of all arcs for each lot, lengths and bearings of all chords for each lot, and enough angles, bearings and dimensions to provide a mathematical closure of each lot.
- (7) Lots numbered in numerical order, blocks numbered in numerical order; parks, open areas, school property, other areas of public use, or areas within the plat set aside for future development shall be assigned a progressive letter, with the proposed use clearly designated.
- (8) The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions with the purpose indicated thereon.
- (9) Front yard setback lines as established by zoning regulations need not be shown. Lines of future streets or roads as shown on the adopted transportation plan and



those setback lines stipulated in deed restriction shall be shown on the adopted transportation plan and those setback lines stipulated in deed restrictions shall be shown.

- (10) Private restrictions, if any;
  - (a) Boundaries of each type of use restriction;
  - (b) Other private restrictions for each restricted section of the subdivision.
- (11) Name of the subdivision and name or number of the largest subdivision or tract of which the tract being subdivided forms a part.
- (12) Names and locations of adjoining subdivisions.
- (13) Names and addresses of the owner or owners of record, the subdivider, and of the registered Iowa Land Surveyor who prepared the plat.
- (14) North point, scale and date.
- (15) Certification by a Registered Iowa Land Surveyor, who prepared the plat to the effect that the plat represents a survey made by that person, that all monuments indicated thereon actually exist and that their location, size and material are correctly shown.
- (16) All certificates required by law, including certificate of title showing ownership of the tract of land included in the subdivision and certification by the County Treasurer that all taxes have been paid.
- (17) A legend showing definition of pertinent symbols appearing on the plat.

~~(A)~~(D) The City Engineer or a registered engineer approved by the Commission and Council will review the Final Plat and plans and specifications for improvements. The Engineer shall report to the Commission that the improvements have been made in accordance with approved plans and specifications and that the Final Plat meets the requirements of the regulations, or the engineer shall specify any errors or short-comings of the plat. When no improvements are involved and the requirements of the regulations have obviously been met, the Commission may have the option of review of the plat, without engineering review.

~~(W)~~(E) The City Engineer will check the Final Plat and specifications for improvements. If found satisfactory, one reproducible copy shall be forwarded to the Commission, with a certificate showing that:

- (1) The technical details of the plat itself have been checked and found satisfactory;
- (2) All required improvements have been satisfactorily completed or, in lieu thereof, a surety bond has been posted, assuring their installation.

#### § 170.015 APPROVAL OF FINAL PLAT

~~(X)~~(A) After receiving notification from the City Engineer that improvements are in order, and after being satisfied that the Final Plat is in conformity with the approved Preliminary Plat and the regulations, the Commission shall approve and certify the Final Plat and forward it to the Council for appropriate action. The Commission and the Council shall have sixty (60) days from the date of submission in which to take action on the Final Plat.

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~~(Y)~~(B) After approval of the Final Plat by the Council, five (5) approved prints, and one reproducible digital copy of the Final Plat shall be returned to the ~~City Clerk-Planning Secretary~~. The Secretary shall transmit one copy of the approved plat to the City Engineer, one to the Superintendent of the Independent School District of West Burlington, one to the Building Inspector, and retain one for the files, along with a reproducible copy (one copy to the County Engineer if outside the ~~City~~ limits). One signed copy shall be transmitted to the subdivider for recording with the Des Moines County Recorder.

#### § 170.016 MAINTENANCE BOND

~~(Z)~~(C) The subdivider must post a maintenance bond covering any improvement to be accepted for maintenance by the ~~City~~ prior to approval of final plat by the Council. Such bond shall be held by the Clerk and shall become effective upon acceptance of the final plat by the Council, unless otherwise stipulated. Maintenance bonds shall run for four (4) years on street paving and two (2) years on sewer and water improvements.

#### § 170.017 EXEMPTIONS AND MODIFICATIONS

~~(AA)~~(A) Planned Unit Developments (PUD). In the case of a Planned Unit Development, the design principles and minimum requirements for subdivision layout may be modified by the Planning and Zoning Commission, based on their judgment that the PUD makes adequate provision for all essential community requirements. However, no modification shall be granted which would conflict with the proposals of the Transportation Plan, Community Facilities Plan or the adopted Comprehensive Plan.

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~~(BB)~~(B) Unusual Conditions. In any particular case where the subdivider can show that by reason of unusual topographic or other physical conditions, strict compliance with any requirements of the regulations could cause practical difficulty or exceptional or undue hardship, or in subdivisions lying in the two-mile jurisdiction outside the ~~City~~ limits, where the purpose of subdivision does not involve housing development or other intensive land use, the Planning and Zoning Commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good, and without impairing the intent and purposes of the regulations or the desirable general development of the ~~City~~ in accordance with the adopted Planning and Zoning Regulations of the ~~City~~. Any modification thus granted shall be entered in the minutes of the Commission, setting forth the reasons which, in the opinion of the Commission, justified the modification.

(C) Preliminary Plats Waiver for Small Subdivisions. The Commission may exempt the subdivider from submitting a Preliminary Plat if all of the following conditions are met:

- (1) The subdivision results in four (4) lots or less
- (2) All resulting lots can be adequately served by existing streets
- (3) The resulting lots are not substandard as defined or set out by existing applicable ordinance.
- (4) All public improvements are installed or will be installed as a condition of the waiver of said platting requirements.

~~(CC) In the case of a subdivision of less than five (5) lots and where the lots can be adequately served by existing streets, situated in a location where conditions are well defined, the Commission may exempt the subdivider from complying with some of the requirements stipulated in this section pertaining to the preparation of the Preliminary Plat.~~

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~~(DD) Simple Replatting. The realignment, combining or dividing of lots in an approved subdivision may be carried out by simple replatting, in final plat form, provided all modifications conform with requirements of current zoning and subdivision regulations, with approval of the Commission and the City Council.~~

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~~(EE)~~(D) Extraterritorial Jurisdiction – Subdivision Review. The Extraterritorial Subdivision Review Area of the City of West Burlington is the area of unincorporated land within 2 miles of the ~~c~~City limits, over which the ~~c~~City has the authority to review all subdivisions of land, pursuant to Section 354.9 of the Code of Iowa. As the ~~c~~Cities of Burlington and Middletown are granted the same authority over land within 2 miles of their ~~c~~City limits, the City of West Burlington has entered into agreements with both of these municipalities, which define the mutually accepted boundaries between the Subdivision Review Areas of each<sup>14</sup>. Neither of these ~~c~~Cities has authority over land lying within the Iowa Army Ammunition Plant, which is exclusively the property of the United States Government. The precise boundaries of the Subdivision Review Area are indicated on the map titled “Extraterritorial Subdivision Review Area.”

~~(FF)~~(E) Subdivisions lying within the City’s Extraterritorial Subdivision Review Area shall follow the ~~above~~ procedures, subject to the following modifications:

- (1) Requirement for topographic survey data with two-foot intervals may be waived in the following circumstances:
  - (a) It is a simple division required for estate settlement, with no proposed use of the land for further development purposes.
  - (b) A single lot is being delineated for residential purposes, and the remaining portion will not be subdivided for development purposes.

~~(2)~~ Setbacks shall meet the requirements of the A-1 Agricultural District (See Section 165.05 of the Zoning Regulations).

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~~(3)~~(2) In areas not served by sanitary sewer, the minimum lot area shall be 20,000 square feet.

~~(4)~~(3) Street frontages shall be no less than 50 feet in width, in accordance with the requirements of the R-1 ~~Rural Estate Residence~~ District.

~~(GG)~~ "Minor Subdivisions:

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~~(F)~~ may Administrative Lot Split, Lot Consolidation and Lot Line Adjustment

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(1) Applicability.

(a) An administrative lot split may be approved for the division of land within the city limits, provided that:

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1. No new public infrastructure (e.g., streets, water, or sewer lines) is required.

2. The division results in no more than two parcels from the original lot.

3. Each resulting parcel complies with minimum lot size, frontage, setback, and other requirements established in this zoning code.

(b) Lot splits involving easements, rights-of-way dedications, or public improvements must undergo the full subdivision review process.

(2) Submittal Requirements

(a) Applicants seeking approval for an administrative lot split must submit the following to the city's Planning and Zoning Department:

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1. A completed application form.

2. A survey plat prepared by a licensed land surveyor, including:

a. Legal descriptions of the original lot and all resulting parcels.

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b. Dimensions, area, and lot lines of all parcels.

c. Existing structures, easements, and utilities on the property.

3. Written confirmation from the City Engineer that each resulting parcel has access to existing public streets and utilities.

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4. Payment of any applicable fees established by the city.

(3) Review Process

(a) The Planning and Zoning Administrator or their designee shall review the application for compliance with this section, the Iowa Code, and other applicable ordinances.

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(b) If all requirements are met, the Planning and Zoning Administrator or their designee may approve the lot split administratively.

(4) Notification. Adjacent property owners must be notified of the proposed lot split prior to final approval.

(5) Decision Timeline. The Planning and Zoning Administrator or their designee shall approve or deny the application within 30 days of receiving a complete submission.

(6) Standards for Approval

(a) An administrative lot split shall be approved if:

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1. The lot split complies with all zoning and land use requirements, including but not limited to minimum lot size, frontage, and setback requirements.

2. Each parcel has legal access to a public street.

3. The division does not create any nonconforming lots or structures.

4. The proposed lot split does not adversely impact public health, safety, or welfare.

(7) Recording Requirements

(a) Upon approval, the applicant shall record the approved survey plat and accompanying legal descriptions with the Des Moines County Recorder within 30 days.

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(b) Proof of recording must be submitted to the city prior to issuance of any permits for development on the new parcels.

(8) Lot Consolidation and Lot Line Adjustment

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(a) Qualification

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1. Lot consolidation. Two or more parcels, whether recorded platted lots or not, may be consolidated into 1 parcel.

2. Lot line adjustment. A lot line may be adjusted by relocating a common boundary.

3. Rezoning. If the adjustment or combination would cause 1 of the parcels to have 2 different zoning classifications, the applicant

must rezone the property to achieve a consistent zoning classification for the newly created parcel.

4. Easements. Any easements that become unnecessary as a result of the combination of parcels must be vacated. In addition, new easements must be established where appropriate.

(b) Filing and Review of Application

1. Before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed property shall be granted, the owner or authorized agent, shall file an application and secure approval of a lot consolidation or lot line adjustment from the City Administrator or their designee.

2. The resulting lots and all modifications shall conform with requirements of current zoning and subdivision regulations.

- (-) When a subdivision of land does not involve the creation of new streets, roadways or public utility extensions, and where each lot transfer occurs either between close family relations, and/or adjoining property owners, the plat may be considered a "minor subdivision plat", and be approved administratively by agreement and written consent and signature of the City Administrator.
- (-) In such case, the approval of the full Planning and Zoning Board shall be waived, and public hearing requirements shall also be waived unless such a hearing is requested by the City Council prior to approval.
- (-) A single driveway shall not serve more than two (2) individual lots developed for single family residential or agricultural purposes<sup>15</sup>; Accordingly, if any additional driveways require the extension of a street, for access to a subdivided parcel, then this shall not be considered a "minor subdivision".

(-) Notes

(0) 14 In accordance with Chapter 28E of the Code of Iowa

(0) 15 In accordance with the Subdivision Regulation Ordinance of Des Moines County, Iowa (Article II, Section 2, definition of "Driveway")

**§ 170.024** **§ 170.018** FEES FOR CITY SERVICES

(HH)(A) At the time of filing of the plat or replat for approval, the subdivider shall pay to the Clerk a fee as set by resolution of the Council.

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- (1) A preliminary plat fee shall be paid upon presentation of the Preliminary Plat or Preliminary Replat to the Commission. No approval of any such preliminary platting shall be given unless said fees have been paid in full.
- (2) A final plat fee shall be paid upon presentation of the final plat, or final replat to the Commission. No final approval shall be given any such final platting unless said fees have been paid in full.

~~(H)(B)~~ All fees shall be deposited in the General Fund of the ~~c~~City.

~~(H)(C)~~ In the case of exceptions granted under this Ordinance, the minimum fee shall be \$25.00. Additional fees may be in an amount sufficient to cover actual expenses of the Commission and ~~c~~City, but the maximum additional fee shall not exceed \$300.00.

#### ~~§ 170.025~~ § 170.019 AS-BUILT CONSTRUCTION DRAWINGS

~~(K)(A)~~ Where the construction as performed varies from the plans filed and approved as hereinabove required, as-built construction plans shall be filed with the Council in the form of a reproducible copy on film or other permanent material. If such construction does not vary from the plans, an affidavit executed by a registered Iowa Professional Engineer so certifying shall be filed prior to acceptance of a final plat or acceptance of improvements for maintenance.

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#### ~~§ 170.026~~ § 170.020 GENERAL DESIGN REQUIREMENTS

~~(L)(A)~~ In laying out a subdivision, the subdivider shall comply with the general principles and requirements set forth in this Ordinance.

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#### ~~§ 170.027~~ § 170.021 CONFORMITY OF DESIGN STANDARDS TO CITY PLANS AND REQUIREMENTS

~~(M)(A)~~ The layout must conform to the transportation plan, other parts of the adopted Comprehensive City Plan and other adopted regulations of the ~~c~~City.

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- (1) Whenever a tract to be subdivided embraces any part of a primary or secondary arterial or collector street, so designated on the ~~c~~City plan, this part of the public right-of-way must be platted by the subdivider in the location and at the width indicated on the plan.
- (2) Where a proposed park, playground or other recreational area, proposed school site or other public ground, shown on the adopted community facilities plan or other adopted part of the ~~c~~City plan, is located in whole or in part within the proposed subdivision, such proposed public ground or part, if not dedicated to the ~~c~~City, Board of Education or other public agency, must be reserved and no action taken on the subdivision for a period of no less than ninety (90) days to allow the ~~c~~City or other public agency the opportunity to consider and take action toward acquisition of such public ground or part by purchase or other means. If the responsible agency does not take action to acquire such land, the subdivider may then use the land for any purpose permitted in that particular zoning district.

~~(NN)~~(B) Where considered desirable by the subdivider, and held appropriate by the Commission, suitably located open spaces of adequate size may be provided for neighborhood parks, playgrounds or other recreational facilities. These spaces, if not dedicated to the public and accepted by the appropriate public body, may be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

~~(OO)~~(C) In proposed subdivisions of 20 or more lots, the developer shall provide an open space equivalent in area of, at least, the average area of the lots of the subdivision, in a suitable location for park, playground or recreational purposes for the neighborhood and/or the community. Such area may be dedicated for public use or may be reserved for the common use of all property owners in the proposed subdivision by covenant in their deeds.

#### ~~§ 170.028~~ § 170.022 STREET AND BLOCK LAYOUT

~~(PP)~~(A) The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining and nearby areas.

- (1) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
- (2) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical condition, in order to ensure the orderly future development of adjacent tracts. If, in the opinion of the Commission, such street extension is not necessary or desirable for the circumstances of the development in question, this requirement may be waived. Cul-de-sacs of reasonable length will be approved where topography necessitates, or where they are appropriate for the type of development envisioned, and where adequate fire protection can be assured.
- (3) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.
- (4) When an existing street and/or alley terminates in mid-block, the subdivision of the adjoining land shall include the platted extension of that street and/or alley, up to the subsequent intersecting street.
- (5) Alleys shall be platted:
  - (a) In the rear of all commercial business lots.
  - (b) In the rear of residential lots fronting on arterial streets (unless service roads are provided in front), as a means of providing safe access to such lots.

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~~(QQ)~~(B) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, at least 100 feet, unless, in the opinion of the Commission, prevented by exceptional topography or other physical conditions.

- (1) The lengths of blocks shall be such as are appropriate, in the opinion of the Commission, for the locality and the type of development contemplated, but shall not exceed 1,200 feet.
- (2) In any block over 700 feet in length, the Commission may require that a crosswalk or pedestrian way, no less than 10 feet wide, be provided near the center and entirely across such block.
- (3) Cul-de-sacs shall not exceed 500 feet in length, measured along the centerline from the intersection at origin through the end of the circle to the end of the right-of-way in subdivisions protected by a fire hydrant system.

~~(RR)~~(C) In areas outside the ~~c~~City limits and within the extraterritorial planning jurisdiction, cul-de-sac dimensions shall be reasonable with regard to access for utilities, fire control and maintenance.

~~(SS)~~(D) In areas within the extraterritorial planning jurisdiction, blocks laid out in random manner shall conform to regulations specified for the R-1 Rural Estate Residence District (Section XXX).

#### ~~§ 170.029~~ § 170.023 RIGHT-OF-WAY WIDTHS AND EASEMENTS

~~(TT)~~(A) Minimum right-of-way widths of streets, alleys, and easements for utilities shall be:

- (1) Primary thoroughfares (as designated on the transportation plan), no less than 80 feet wide in any case.
- (2) Secondary thoroughfares, (as designated on the transportation plan), no less than 60 feet wide in any case.
- (3) Collector or local streets; minor streets and cul-de-sacs, 50 feet wide.
- (4) All dead-end streets shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet. Illustrations of the methods of street termination are on file for public use in the office of the Clerk.
- (5) Alleys and service drives, 16 feet wide.

~~(6)~~ Easements for utilities, where required, should be at least 10 feet wide, centered on rear or side lot lines.

~~(6)~~(B) Minimum widths may be reduced with the Public Works Director, City Administrator, and/or his/her designee approval.

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~~§ 170.030~~ § 170.024 PAVEMENT WIDTHS

~~(UU)~~(A) The portion of the pavement required to be installed as the subdivider's responsibility shall be as follows:

- (1) As designated on the transportation plan:
  - (a) Primary arterial thoroughfares shall be 39 feet wide, back to back of curbs;
  - (b) Secondary arterial thoroughfares and collector streets shall be 29 feet wide, back to back of curbs;
  - (c) Local or minor streets shall be 24 feet wide, back to back of curbs.

~~(VV)~~(B) Overall pavement widths shall be as designated by the transportation plan, and the differences, if any, between the cost of the portion to be provided at the expense of the subdivider and that of the total width designated by the transportation plan shall be borne by the ~~c~~City, unless it is determined by the Commission that such greater width will benefit the subdivider in proportion to its cost; provided, however, the cost of curb and gutter should be borne by the subdivider in any case. The pavement of a turning circle at the end of a cul-de-sac shall have a minimum outside diameter of 100 feet. A "T" or "Y" shaped paved space, when approved by the Commission, may be used as a temporary measure at the end of a dead-end street until such time as the street is continued.

~~(WW)~~(C) Alleys and service drives: minimum pavement 4 feet less than dedicated right-of-way.

~~§ 170.031~~ § 170.025 STREET GRADES, CURVES AND SIGHT DISTANCES

~~(XX)~~(A) The grades of streets shall not be less than 0.5 percent, or exceed the following:

- (1) Primary and secondary thoroughfares, designated as such on the transportation plan, five percent unless prevented by topography;
- (2) Collector, minor and local streets, service drives, and alleys, ten percent.
- (3) Pedestrian ways or crosswalks: Not to vary more than three percent from adjoining roadway, unless acceptably designed steps are to be provided.

~~(YY)~~(B) All changes in street grades above one percent shall be connected by vertical curves of a minimum length equal to 30 times the algebraic difference in the rate of grade for thoroughfares and one-half of this minimum for all other streets.

~~(ZZ)~~(C) The radii of curvature on the centerline shall not be less than the following:

- (1) Thoroughfares, 350 feet;
- (2) Local streets, minor streets, service drives and alleys, 150 feet.

~~§ 170.032~~ § 170.026 INTERSECTIONS

~~(AAA)~~(A) Curb returns at street intersections shall be rounded by radii of at least 25 feet.

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~~(BBB)~~(B) Streets shall intersect at as close to a 90 degree angle as possible. The above minimum radii shall be increased where the angle of intersection is less than 90 degrees.

**§ 170.033§ 170.027 LOTS**

~~(CCC)~~(A) The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall follow the guidelines of all zoning regulations.

~~(DDD)~~(B) Ordinarily, lots with excessive depth, in relation to width, shall be avoided.

~~(EEE)~~(C) Every lot shall abut on a public right-of-way dedicated as a street. If a subdivision utilizes a privately maintained driveway for its primary access, such a driveway shall meet the same required right-of-way width as a public street, and be maintained as a durable and dust-free surface.

~~(FFF)~~(D) Lots for residence purposes, other than cul-de-sacs, shall be at least 50 feet wide at the front lot line, in order to permit compliance with the side yard requirements of the Zoning Ordinance, and still be adequate for a building of reasonable width. Lots fronting cul-de-sacs shall be at least 37½ feet wide.

~~(GGG)~~(E) Lots larger than the minimum called for by the Zoning Regulations may be required where topographic or other considerations may limit the buildable or usable portion of such lots. This is especially applicable where a septic system is required for sewage disposal.

~~(HHH)~~(F) Corner lots for residential use should ordinarily be platted at a minimum of 15 feet wider than interior (non-corner) lots, in order to permit conformance with the setback required by for the side street.

~~(HH)~~(G) Residential lots fronting on highways and major arterial streets should have extra depth to allow a comfortable separation between buildings and traffic flow.

~~(JJJ)~~(H) Situations should be avoided where individual lots have both front and rear street frontage, or the only frontage is to the rear of the residence.

~~(KKK)~~(I) Side lot lines shall be at approximate right angles to the right-of-way line of the street on which the lot fronts. If other than a right angle, lots should be wider, in order to provide adequate side yard setbacks for buildings that could be constructed on lots at right angles to the front property line.

~~(LLL)~~(J) Front lot lines on curved streets shall be radial to the right-of-way line of the street on which the lot fronts.

**§ 170.034§ 170.028 STREETS, SIDEWALKS AND ALLEYS**

~~(MMM)~~(A) When improvements are to be installed, construction plans shall be prepared by a registered Iowa Professional Engineer, whose seal shall appear thereon, and a reproducible copy on film or other permanent material, plus two prints furnished, in accordance with specifications approved by the City Engineer, and shall be revised as

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may be necessary and receive approval of the City Engineer and other agencies having jurisdiction before improvements are installed. Construction plans shall be provided, as follows, at a minimum:

- (1) Plan and profile of each street with grades indicated and horizontal and vertical curve data provided;
- (2) Typical cross-section of each proposed street, at a horizontal and vertical scale of 5 feet or less to the inch, showing the width of pavement, the location and width of any sidewalks, and the location of utility mains. Cross-sections for each street shall be furnished at hundred-foot intervals or less. These sections shall be at a horizontal scale of 10 feet or less per inch and a vertical scale of 5 feet or less per inch.

~~(NNN)~~(B) Streets shall be graded to full right-of-way width. The surfacing in residential areas of collector, minor, or local streets shall be 7 inches of Portland cement concrete or equivalent as approved by the City Engineer. Surfacing of collector, minor and local streets in business areas shall be 8 inches of Portland cement concrete or equivalent as approved by the City Engineer. Surfacing of all streets in industrial areas shall be no less than 9 inches of Portland cement concrete. Surfacing of primary and secondary arterial streets shall be not less than 8 inches of Portland cement concrete. Surfacing of local streets in R-1 Residential Districts shall be made in accordance with zoning regulations for those districts, with approval of the City Engineer.

~~(OOO)~~(C) Sidewalks shall be constructed of Portland cement concrete, no less than 4 inches thick, and no less than 4 feet in width, on both sides of every street in accordance with standards and specifications approved ~~by the~~ by the Planning and Zoning Commission and City Engineer. Sidewalks may be waived by the Council upon recommendation of the Commission in the R-1 Rural Estate Residence District, where lots are at least 20,000 square feet in area and lot width is at least 100 feet. They may also be waived in business and industrial areas where pedestrian traffic is infrequent or nonexistent, and not likely to increase as a result of anticipated development.

~~(D)~~ Alleys and service drives shall be graded to the full width of the right-of-way, and shall be provided with an all-weather surface satisfactory to the City Engineer. Such paved width shall be 4 feet less than the dedicated right-of-way unless otherwise specified.

~~(E)~~ Additional Requirements

~~(PPP)~~(1) See Chapters 136 and 140 in the Code of Ordinances for additional Sidewalk and Driveway regulations.

~~§ 170.035~~ § 170.029 WATER DISTRIBUTION SYSTEM

~~(QQQ)~~(A) Every subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, including a service connection to within one foot of each lot, and appropriately spaced fire hydrants. The entire water system shall be designed to meet the approval of the City Engineer and the State Department of Natural

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Resources. Plans shall be provided, showing the location of the water distribution system, pipe sizes and the location of valves and hydrants, along with calculations on anticipated fire-flow capacities.

~~§ 170.036~~ § 170.030 SANITARY SEWAGE DISPOSAL

~~(RRR)~~(A) In every subdivision, provision shall be made for the satisfactory disposal of sanitary sewage:

- (1) Where a public sanitary sewer main is reasonably accessible, in the opinion of the Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a service connection to within one foot of a lot line of each lot. Such system shall be approved by the City Engineer and the Iowa Department of Natural Resources.
- (2) Where a public sanitary sewer main is not reasonably accessible, in the opinion of the Commission, proper provisions shall be made for the disposal of sanitary waste, subject to approval of the City Engineer. If individual disposal systems are provided, they shall be located on each lot.
- (3) When an individual septic disposal system is proposed, the subdivider shall determine whether or not this is feasible, based on the criteria of soil absorption, surface drainage, and topography. At least two percolation tests shall be made on each lot at the approximate location of the septic system absorption field. Such tests shall be performed in accord with the requirements of the Commission, City Engineer and the County Health Department. The results of these tests shall be certified by a registered Iowa Professional Engineer and made known to the City Engineer, the Commission, and the County Health Department.
- (4) Wherever excavation for storm sewer, sanitary sewer, and/or water mains and associated infrastructure may lie beneath existing or proposed pavement, sidewalk or drive area, such excavation shall be backfilled by a method and with material of a type approved by the City Engineer.

~~§ 170.037~~ § 170.031 UTILITIES

~~(SSS)~~(A) Poles or underground conduits for electric lights, telephone lines or other utilities shall be placed in easements provided along rear or side lot lines, wherever this is feasible.

~~§ 170.038~~ § 170.032 STORM SEWERS AND DRAINAGE

~~(TTT)~~(A) Every subdivision shall be provided with a storm water sewer or drainage system that is capable of sustaining a five-year design storm, or otherwise meeting the approval of the City Engineer:

- (1) Storm sewers shall have grade and size indicated;
- (2) A complete grading/drainage plan shall be provided;

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- (3) Drainage calculations shall be submitted for review.
- (4) Drainage easements shall be provided wherever any stream or surface water channel is located in the area being subdivided.

~~(UUU)~~(B) The developer shall provide sufficient plans and site improvements to ensure that, when completed, the new subdivision will not increase the amount of storm water runoff onto adjacent and downstream properties, as determined by engineering studies. This may include the creation of retention or detention ponds, at strategically placed locations within the subdivision.

~~(VVV)~~(C) In areas with especially steep slope or poorly drained soils, these topographical and geological limitations shall be incorporated into the physical layout of the subdivision, influencing such factors as the shape, size, and dimensions of land parcels.

~~(WWW)~~(D) For additional regulations regarding storm water drainage and private development, see Section 165.21 of the Zoning Regulations.