CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 TITLE. This chapter shall be known and may be cited as the Guthrie Center Subdivision Code.

166.02 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined.

1. "Building line" means a line established in a plat as a restrictive covenant beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirement established in the Zoning Ordinance, and where they do not, the most restrictive requirement will control.

2. "Collector street" means a street intended to carry vehicular traffic from residential streets to thoroughfares or traffic generators.

3. "Commission" means the Planning and Zoning Commission of the City.

4. "Cul-de-sac" means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

5. "Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person's property.

6. "Final plat" means the map or drawing on which the subdivision plan is presented in the form which, if approved by the Council and Commission, will be filed and recorded with the County Recorder.

7. "Preliminary plat" means a study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and Commission for consideration.

8. "Residential street or road" means a street used primarily for access to abutting property.

9. "Right-of-way" means the area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.

10. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership as of July 27, 1970.

11. "Street" or "road" means a right-of-way other than an alley dedicated or otherwise legally established to be accepted for public use, usually affording the

principal means of access to abutting property. A street may be designated as a street, highway, thoroughfare, parkway, avenue, road, lane, drive, place or other appropriate designation.

12. "Subdivider" means any person who shall lay out, for the purpose of sale or development, any subdivision or part hereof as defined herein, either for the subdivider or others.

13. "Subdivision" means the division of a separate tract of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new road is involved, any division of a parcel of land.

14. "Thoroughfare" means a street intended for cross-country or through traffic.

166.03 JURISDICTION. All plats, replats or subdivisions of land into three or more parts for the purpose of laying out a portion of the City, additions thereto, or, pursuant to Section 354.9 of the *Code of Iowa*, suburban lots within two miles of the corporate limits of the City for other than agricultural purposes, shall be submitted to the Council and Planning and Zoning Commission of the City, in accordance with the provisions of this chapter, and shall be subject to the requirements established herein.

166.04 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

166.05 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee of $10.00, which shall be credited to the General Fund of the City.

166.06 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall be enforced as follows:

1. Plat Invalid. No plat or subdivision in the City or within two miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.

2. Building Permits Limited. No more than two building permits shall be issued for each separate tract existing as of July 27, 1970, unless the tract shall have been platted in accordance with the provisions contained herein.

3. Use of City Funds Prohibited. No public improvements over which the 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 unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.

4. Fine. Any person who shall hereafter dispose of or offer for sale or lease any lots in the City, or within two miles of the City limits, unless the plat thereof has been approved in accordance with this chapter and recorded, shall forfeit and pay $50.00 for each lot or part of lot sold or disposed of, leased or offered for sale.

166.07 AMENDMENTS. Any proposed amendment to this chapter shall first be submitted to the Commission for review and recommendation. The Commission shall report within 30 days to the Council after receipt of the proposal.

166.08 PRELIMINARY PLAT PROCEDURE.

1. Requirements. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared containing the information specified herein, and shall file three copies and a reproducible sepia or tracing of the plat with the Clerk.

2. Referral. The Clerk shall immediately transmit two copies of the preliminary plat to the Commission for study and recommendation.

3. Action by Commission. The Commission shall examine the plat as to its compliance with this chapter and the comprehensive plan of the City and shall have 30 days to submit a recommendation to the Council; provided, however, the owner or developer may agree to an extension of time not to exceed 60 days. A copy of the recommendation shall be forwarded to the owner or developer.

4. Council Action. The Council, upon receipt of the Commission's recommendation or after 30 days (or any extension thereof) shall have passed, shall by resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the Council will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

166.09 FINAL PLAT PROCEDURE.

1. Time Requirements. A final plat shall be submitted within 12 months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.

2. Procedure. Procedures for final plats shall be the same as set out for preliminary plats in Section 166.08 above.

3. Certificate. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the Clerk, County Auditor and County Recorder along with such other certifications and instruments as may be required by law.

166.10 PLATS OUTSIDE CORPORATE LIMITS. Procedure for approval of preliminary and final plats of land within two miles of the corporate limits shall conform with the provisions of Sections 166.08 and 166.09, except that five copies of the plat shall be filed with the Clerk and the Clerk shall in addition refer one copy to the County Engineer and one copy to the County Planning and Zoning Commission and request their recommendations to be submitted to the Commission. The Commission shall not take action on the plat prior to receiving the recommendations of the County.

166.11 PROFESSIONAL ASSISTANCE. The Council and Commission may request such professional assistance as they deem necessary to properly evaluate the plats as submitted.

166.12 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the following information:

1. Location Map. A location map showing:

A. The subdivision name;

B. An outline of the area to be subdivided;

C. The existing streets and public or community utilities, if any, on adjoining property; and

D. North point and scale.

2. Plat Subdivision. A preliminary plat of the subdivision drawn to the scale of 50 feet to one inch provided that if the resulting drawings would be over 36 inches in the shortest dimension, a scale of 100 feet to one inch may be used, said preliminary plat to show:

A. Legal description, acreage and name of proposed subdivision;

B. Name and address of owner;

C. Name of person who prepared the plat, and the date thereof;

D. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision;

E. Location and widths, other dimensions and names of the proposed streets, utility easements and other open spaces or reserved areas;

F. Tract boundary lines showing dimensions, bearings, angles and references to known lines or bench marks;

G. Names of adjacent property owners;

H. Layout of proposed blocks (if used) and lots, including the dimensions of each, and the lot and block number in numerical order;

I. A statement concerning the location and approximate size and capacity of utilities proposed to be installed;

J. Contours at vertical intervals of not more than two feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five feet if the general slope is 10 percent or greater;

K. Grades of proposed streets;

L. Proposed building lines;

M. A cross section of the proposed streets showing the roadway location, the type and width of surfacing, type of drainage and other improvements to be installed;

N. The location of proposed wells and/or water mains and sewage disposal system if a public or community system is used;

O. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures;

P. North point and graphic scale; and

Q. Layout of lots showing approximate dimensions and number.

166.13 FINAL PLAT REQUIREMENTS. The final plat shall meet the following specifications:

1. Scale. The plat shall be drawn to the scale of 50 feet to one inch, provided that if the resulting drawing would be over 36 inches in the shortest dimension, a scale of 100 feet to one inch may be used.

2. Contents. The final plat shall contain the following:

A. Accurate boundary lines with dimensions and angles which provide a survey of the tract closing with an error of not more than one foot in 3,000 feet;

B. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the County;

C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;

D. Accurate metes and bounds description of the boundary;

E. Street names;

F. Complete curve notes for all curves included in the plat;

G. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;

H. Lot numbers and dimensions;

I. Block numbers, if used;

J. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;

K. Building lines and dimensions;

L. Location, type, material and size of all monuments and markers;

M. Name of the subdivision;

N. Name and address of owner and subdivider;

O. North point, scale and date;

P. Certification by a registered land surveyor of the State of Iowa;

Q. Certification of dedication of streets and other public property; and

3. The final plat shall be accompanied by the following instruments:

A. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council;

B. One of the following:

(1) A certificate bearing the approval of the Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or

(2) A surety bond with the City which will insure the City that the improvements will be completed by the subdivider or property owner within two (2) years after the official acceptance of the plat. The form and type of bond shall be approved by the City Attorney, and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus ten percent (10%) and the amount of the estimate must be approved by the Council. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same, or

(3) A petition by the developer to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable costs of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations.

If option (2) or option (3) above is chosen, the final plat shall state that the developer, the grantees, assignees and successors in interest agree that public services including but not limited to street maintenance, snow and ice removal, rubbish, refuse and garbage collection will not be extended to this subdivision until the pavement is completed and accepted by the City.

C. Copy of all restrictive covenants to be attached to the lots of the subdivision.

4. The final plat shall also be accompanied by the following at the time it is presented for filing:

A. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

B. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

C. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified

taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa.*

D. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

E. A statement by the Auditor approving the name or title on the subdivision plat.

166.14 STREETS AND ALLEYS. The following requirements pertaining to the design standards for streets and alleys shall be followed by all subdividers:

1. Access to Lots. The streets and alleys layout shall provide access to all lots and parcels of land within the subdivision.

2. Jogs. Street jogs of less than 150 feet shall be avoided.

3. Cul-de-sacs. Cul-de-sacs shall not exceed 500 feet in length unless fire hydrants are placed every 300 feet.

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

5. Existing Streets. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.

6. Dead-End Streets. No dead-end streets or alleys will be permitted except at subdivision boundaries.

7. Thoroughfare and Collector Streets. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof.

8. Alleys. Alleys shall not be permitted in residential areas but shall be provided in commercial and industrial areas.

9. Intersection Alignment. Intersection of road centerlines shall be between 80 degrees and 100 degrees.

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

11. Special Standards. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design of such parkways or streets.

12. Naming of Street Extensions. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street.

13. Rights-of-Way. Minimum rights-of-way shall be provided as follows:

A. Thoroughfare streets -- 100 feet;

B. Collector streets -- 70 feet;

C. Residential streets -- 60 feet;

D. Cul-de-sacs -- 119 feet in diameter;

E. Alleys -- 20 feet.

14. Width of Surfacing. Minimum width of surfacing to be provided shall be as follows:

A. Thoroughfare streets – 53 feet;

B. Collector streets – 41 feet;

C. Residential streets – 25 feet;

D. Cul-de-sacs – 85 feet in diameter;

E. Alleys – 20 feet.

F. Sidewalks – 4 feet

15. Grades. No street grade shall be less than one-half of one percent (0.5%) and shall not exceed the following limits:

A. Thoroughfare streets -- 6 percent;

B. Collector streets -- 8 percent;

C. Residential streets -- 10 percent.

166.15 BLOCKS. The following design standards pertaining to blocks shall be followed by all subdividers where blocks are proposed:

1. Length. The length of blocks shall be not less than 500 feet and not more than 1,250 feet in length.

2. Width. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth and in no case shall the width be less than 220 feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, drainage course, railroad or other barrier, the width shall not be less than 150 feet.

3. Crosswalks. Crosswalk spacing may be required in blocks over 700 feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be constructed by the developer.

166.16 LOTS. The following design standards pertaining to lots shall be followed by all subdividers:

1. Access Required. All lots shall abut on a street or place.

2. Side Lines. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better lot layout.

3. Corner Lots. Lots which abut on a thoroughfare or collector street shall have a minimum radius of 15 feet at the intersection.

4. Double Frontage. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event, a planting screen shall be provided along the rear of the lot.

5. Width of Lots. Corner lots shall not be less than 80 feet in width, and interior lots shall not be less than 70 feet in width at the building line.

166.17 IMPROVEMENTS REQUIRED.

1. Sanitary Sewers. The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following.

A. Public Collection System. Where reasonably available, the subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with the sanitary sewer system of the City. In such case the sewer system shall be approved by the Council and shall be designed and constructed in accordance with the municipal specifications.

B. Local or Community Treatment System. Where it is not practical to connect the subdivision sanitary sewer system to a municipal sewer, the subdivider shall install a local or community treatment system in accordance with the requirements of the Iowa Board of Health and the County Board of Health.

C. Private Disposal System. If it is demonstrated that the above are not practical, the Council may, upon request, permit the subdivider to install on each lot, a septic tank and absorption field or other system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the Zoning Ordinance and are in compliance with the provisions of Chapter 98 of this Code of Ordinances. In no case, however, shall private disposal systems be permitted where rock, impervious clay or ground water is closer than 30 inches to the surface of the ground.

2. Water. The subdivider shall provide the subdivision with an approved water supply and distribution system in accordance with one of the following:

A. Public Water System. Where reasonably available, the subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall extend into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to a public or municipal water system.

B. Local or Community Water System. Where a public water system is not available, the subdivider shall install a local or community water supply and distribution system, including all necessary mains, valves, hydrants and other appurtenances, in accordance with the standards and requirements of the Iowa Board of Health and the County Board of Health.

C. Individual Water System. If it is demonstrated that the above are not practical, the Council may, upon request, permit the subdivider to install individual wells on each lot, or other water system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the Zoning Ordinance.

3. Storm Drains. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

4. Sidewalks. The subdivider shall provide a four-foot wide concrete sidewalk along each lot frontage upon completion of the structure therein.

5. Street Signs. The subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.

6. Markers. An iron rod not less than one-half inch in diameter and 24 inches in length shall be placed: (i) at the intersection of all lines forming angles in the boundary of the subdivision; and (ii) at block and lot corners and changes in direction of block and lot boundaries.

7. Grading. All streets and alleys within the platted area which are being dedicated for public use shall be brought to the grade approved by the Council.

8. Curb and Gutter. Curb and gutter shall be installed on all streets in the plat being dedicated for public use and shall be constructed of Portland cement concrete in accordance with designs and specifications and at grades approved by the Council.

9. Surfacing. All streets being dedicated for public use shall be surfaced to the width required by Section 166.14(14). Surfacing shall be Portland cement concrete or asphaltic concrete and shall be constructed in accordance with the design and specifications, and at grades approved by the Council.

166.18 SPECIFICATIONS. The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the City for like work. Plans and specifications shall be submitted to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

166.19 INSPECTION. The Council shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider, and shall be the actual cost of the inspection to the City.

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