

# Polk County Subdivision Ordinance

**Unincorporated Polk County, Iowa**

Effective date: April 12, 2007

# **Subdivision Ordinance Unincorporated Polk County, Iowa**

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## Table of Contents

<b>Article 1. Purpose and Authority.....</b>	<b>1</b>
Division 1. General provisions .....	1
Section 1. Title .....	1
Section 2. Compliance .....	1
Section 3. Purpose .....	1
Section 4. Authority.....	1
Section 5. Platting Jurisdiction.....	1
Section 6. Interpretation.....	2
Section 7. Abrogation .....	2
Section 8. Severability .....	2
Section 9. Saving Provision .....	2
Section 10. Repeal.....	2
Section 11. Amendments.....	2
Section 12. Land Division Exemptions .....	2
Section 13. Vacation .....	3
Section 14. Errors and Corrections.....	3
Section 15. Waivers .....	3
Section 16. Administrative Waiver .....	3
Section 17. Division within Jurisdictional Limits of Cities.....	3
Section 18. Fees .....	4
Division 1. Enforcement.....	4
Section 1. Violations .....	4
Section 2. Resolution of Enforcement Questions .....	5
<b>Article 2. Definitions.....</b>	<b>6</b>
Division 1. Rules of Construction.....	6
Division 2. Words and Terms Defined .....	6
<b>Article 3. Plat of Survey Procedures.....</b>	<b>13</b>
Division 1. General Provisions.....	13
Section 1. Plat of Survey .....	13
Section 2. Alternative Plat of Survey Provisions.....	13
Section 3. Allowances.....	13
<b>Article 4. Subdivision Plat Procedures.....</b>	<b>14</b>
Division 1. Minor Subdivision Plat Procedures .....	14
Section 1. Minor Subdivision Preliminary Plat .....	14
Section 2. Minor Subdivision Final Plat .....	14
Section 3. Exceptions .....	15
Division 2. Major Subdivision Plat Procedure.....	16

Section 1.	Pre-application Conference .....	16
Section 2.	Major Subdivision Preliminary Plat .....	17
Section 3.	Construction Improvement Plans .....	18
Section 4.	Major Subdivision Final Plat .....	18
Division 3.	Conditions and Expiration .....	19
Section 1.	Conditions .....	19
Section 2.	Plat Expiration.....	19
<b>Article 5.</b>	<b>Subdivision Plat Design Standards .....</b>	<b>20</b>
Division 1.	General Provisions.....	20
Section 1.	Design standard requirements .....	20
Division 2.	Circulation and Access .....	20
Section 1.	Circulation Pattern .....	20
Section 2.	Access .....	21
Section 3.	Neighborhood Access Plan .....	21
Division 3.	Streets .....	21
Section 1.	Street Classifications .....	21
Section 2.	Street Design requirements.....	21
Section 3.	Traffic Impact Study.....	22
Section 4.	Expressway/Freeway.....	22
Section 5.	Arterials.....	22
Section 6.	Collectors.....	23
Table 6.1	Collectors standards: .....	23
Section 7.	Local Streets .....	23
Table 7.1	Local streets standards: .....	23
Section 8.	Half Streets and Alleys .....	24
Section 9.	Street Names .....	24
Section 10.	Street Signage .....	24
Section 11.	Intersections .....	25
Section 12.	Temporary Turnarounds.....	25
Section 13.	Bridges.....	25
Section 14.	Railroads.....	25
Section 15.	Street Lighting.....	26
Section 16.	Safety Lighting .....	26
Section 17.	Street Plantings .....	26
Section 18.	Street Trees .....	26
Section 19.	Blocks .....	27
Section 20.	Building Lots .....	27

Division 4.	Sidewalks and Trails .....	28
Section 1.	Sidewalks.....	28
Section 2.	Trails .....	29
Division 5.	Subdivision Utilities .....	29
Section 1.	Public Water and Sanitary Sewer.....	29
Section 2.	On-Site Sanitary Sewer .....	30
Section 3.	Wells .....	30
Section 4.	Electrical, Television Cable, Telephone, Fiber Optic, Gas.....	30
Division 6.	Easements .....	30
Section 1.	Utility Easements .....	30
Section 2.	Easement Maintenance .....	31
Division 7.	Stormwater.....	31
Section 1.	Drainage Report .....	31
Section 2.	Drainage Easements .....	31
Section 3.	Floodplain Development Permit .....	31
Section 4.	Stormwater Pollution Prevention Plan.....	32
Section 5.	Erosion Control Bond.....	32
Division 8.	Open Space and Public Uses .....	32
Section 1.	Open Space Dedication.....	32
Section 2.	Public Space Set Aside .....	32
Section 3.	Procedure .....	32
Section 4.	Determination .....	32
Section 5.	Open Space Criteria .....	33
Section 6.	Open Space Development .....	33
Division 9.	Conservation Design/Natural Resource Protection .....	34
Section 1.	Purpose .....	34
Section 2.	Objectives .....	34
Section 3.	Standards .....	34
<b>Article 6.</b>	<b>Subdivision Improvements.....</b>	<b>35</b>
Division 1.	Construction of Improvements .....	35
Section 1.	Developer responsibility.....	35
Section 2.	Phased Construction .....	35
Section 3.	Construction Inspection .....	35
Section 4.	Future Improvements.....	36
Section 5.	Deferred Improvements.....	36
Division 2.	Completion of Improvements .....	36
Section 1.	Developer Responsibilities upon completion of all improvements .....	36

Section 2. Jurisdiction responsibilities upon approval of the improvements, reports and documentation .....	36
Division 3. Sureties .....	37
Section 1. Agreement .....	37
Section 2. Financial Guarantee .....	37
Section 3. Expiration of Guarantee.....	38
Section 4. Release.....	38
Division 4. Owners Associations.....	38
Section 1. Association Required.....	38
Section 2. Common Area.....	38
Section 3. By Laws .....	39
Section 4. Preexistence .....	39
Division 5. Permits and Certificates of Occupancy.....	39
Section 1. Issuance .....	39
<b>Article 7. Appendix 1. Subdivision Map Standards .....</b>	<b>40</b>
Section 1. Number of Review and Filing Copies to be submitted .....	40
Section 2. Required Information on Plats .....	40

## **Article 1. Purpose and Authority**

### **Division 1. General provisions.**

#### **Section 1. Title**

This Ordinance shall be known and may be cited as the “Polk County Subdivision Ordinance”, except as referred to herein, where it shall be known as “this Ordinance”

#### **Section 2. Compliance**

No land shall be divided, transferred, or sold by reference to, exhibition of, or any other use of a plat or map showing a subdivision of land before the survey, plat or map has been approved and recorded in compliance with this Ordinance.

#### **Section 3. Purpose**

The provisions of this Ordinance shall apply to the division of any lot or parcel of land in the unincorporated area of the County. Land that is divided into two or more lots or parcels of less than an aliquot part shall be subject to the procedures and requirements prescribed in this Ordinance including plat of surveys, including boundary line adjustments, rural surveys, minor subdivision plats and major subdivision plats, as applicable by this ordinance and state law.

#### **The purposes of this Ordinance are:**

- (A) To provide standards for the platting, subdivision, re-subdivision and dedication of land, to provide for the design and layout thereof, and to ensure accurate, clear and precise legal description and recording of plats pursuant thereto.
- (B) To guide future growth in accordance with the Comprehensive Plan, and to encourage orderly and beneficial development.
- (C) To provide for adequate light, air, and privacy; to protect natural resources and preserve open space.
- (D) To secure safety from fire, flood, and other danger; and to prevent overcrowding and congestion of land.
- (E) To protect and conserve the value of land and improvements.
- (F) To provide adequate land and infrastructure for transportation, land uses, and public facilities, and adequate capacity for utilities serving such.
- (G) To prevent pollution of air, land and water; to assure adequate drainage facilities, and to safeguard water resources.

#### **Section 4. Authority**

This Ordinance is adopted pursuant to the authority granted by the Code of Iowa.

#### **Section 5. Platting Jurisdiction**

After the effective date of this Ordinance, no real property, lying within unincorporated Polk County, “the Jurisdiction,” as now or hereafter fixed shall be divided, and no document regarding division of land shall be recorded until it has been submitted and approved for conformance with this Ordinance.

**Section 6. Interpretation**

In interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers of the Jurisdiction. If any federal or state law or other existing ordinance or regulation allows lesser regulation, this ordinance shall govern; if any federal or state law or other ordinance requires greater regulation, the regulations imposed by that authority shall govern. Regardless of any provision of this Ordinance, no land shall be developed or used in violation of state or federal law.

**Section 7. Abrogation**

This ordinance shall not repeal, abrogate, annul, impair or interfere with any existing public or private easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

**Section 8. Severability**

Should a court of competent jurisdiction hold any Article, sentence, clause, phrase, or word of this Ordinance invalid; such decision shall not affect, impair, or invalidate the remaining parts of this Ordinance which can be given effect without the invalid provision.

**Section 9. Saving Provision**

This Ordinance shall not be construed: as abating any action now pending under prior existing subdivision regulations; or as discontinuing, abating, or modifying any penalty pursuant thereto; or as affecting the liability or rights of any person, firm or corporation; or as waiving or annulling any rights of the Jurisdiction existing at the time of adoption of this Ordinance; except as expressly provided herein.

**Section 10. Repeal**

All ordinances or portions thereof, of the Jurisdiction which relate to subdivision and are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 11. Amendments**

This Ordinance may be amended by the Governing Body as prescribed by Chapter 1 Polk County Code of Ordinances. Such amendment will apply to new plats which have not been approved by the Governing Board or plats that expire after the effective date of the amendment.

**Section 12. Land Division Exemptions**

Land divisions meeting the following guidelines are exempt from meeting the requirements of this ordinance.

- (A) Auditor's Plat - Any land division by Auditor's Plat may be exempt if the division meets the requirements of the State Code of Iowa Chapter 354. An Auditor's Plat does not convey building rights to a parcel unless stated on the plat and in the Resolution passed by the Governing Body.
- (B) Acquisition Plat - Any acquisition plat of land divided for right-of-way purposes.
- (C) Any conveyance of an easement

**Section 13. Vacation**

Any plat or part of any plat may be vacated by the owner of the land in accordance with procedures set forth in state law. The Governing Body may vacate streets or other public lands as provided by state law. Unused drainage and utility easements may be vacated by petition, hearing and approval of the Governing Body.

**Section 14. Errors and Corrections**

Land surveyors may correct errors on recorded plats in accordance with procedures prescribed in state law.

**Section 15. Waivers**

A petition for waiver shall be submitted in writing by the Developer at the time of Preliminary Plat review. Such petition shall state fully the grounds for the request.

- (A) The Zoning Commission may recommend approval of waivers to standards in this Ordinance under one of the following circumstances:
  - (1) Where because of the size of the parcel to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause unusual and unnecessary hardship on the Developer.
  - (2) Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance.
  - (3) Where through an unintentional error by the Developer, his agent, or the reviewing staff, there is a minor violation of this Ordinance, and such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.
  - (4) Where in its opinion the installation of underground utilities would not be practical because of unusual conditions and/or unnecessary hardship on the Developer or an adjacent owner.
- (B) In granting waivers, the Governing Board may require such conditions as will secure the purposes of the standards for the requirements waived. Any waiver that is granted will be recorded with the Final Plat as public record.

**Section 16. Administrative Waiver**

The Planning Administrator may waive submission of required information elements of a plat or supplementary information when in their opinion such information is otherwise available or is not necessary to review an application.

**Section 17. Division within Jurisdictional Limits of Cities**

- (A) Subdivision Plats -The appropriate City Council(s) shall pass by Resolution either approval, disapproval or waiver of city's right to review all Subdivision Plats lying within two miles of their incorporated boundary. The owner or project representative is required to provide additional copies to the city along with necessary fees as required by appropriate city.
- (B) Plats of Surveys – A Plat of Survey within two miles of an incorporated city may be subject to review and may require approval by city. The owner or project representative is required to provide additional copies along with necessary fees as required by appropriate city.

**Section 18. Fees**

The Board of Supervisors may, by resolution, establish reasonable fees for the administration of this ordinance.

**Division 1. Enforcement**

**Section 1. Violations**

(A) Notice of Violation

When the Planning Administrator finds a violation of this Ordinance, the owner and Developer of the land shall be notified. Such notice shall be by means of Notice of Violation allowing a reasonable time, not to exceed thirty (30) days to correct the violation. The Planning Administrator shall give the owner and Developer written notice, by certified mail return receipt requested, to the owner's and Developer's last known addresses, or by personal service:

- (1) that the land is in violation of this Ordinance;
- (2) the nature of the violation,
- (3) the Article and Division of this Ordinance violated;
- (4) and the measures necessary to remedy the violation.
- (5) If the owner or Developer of a property fails to comply with a Notice of Violation, the Planning Administrator shall seek relief in accordance with procedures in Chapter 2 of the Polk County Code of Ordinances.

(B) Remedies

Any one or all the following may be used to enforce the provisions of the Ordinance.

- (1) Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by appropriate proceeding pursuant to state law.
- (2) The Planning Administrator may withhold or deny any plat, permit, certificate, or other form of authorization on any land in which there is an uncorrected violation of a provision of this Ordinance.
- (3) The Planning Administrator may condition the authorization of any plat, permit or certificate upon the correction of the deficiency, or the posting of surety as provided in Article 6 Division 3.
- (4) Prior to recordation, the Planning Administrator may revoke approval of a plat by notifying the Developer and/or landowner in writing the reason for the revocation. Plat approvals may be revoked for:
  - (a) Any material departure from the approved application, plans, or specifications; or
  - (b) Refusal or failure to comply with the requirements of state or local laws, or
  - (c) For false statements or misrepresentations made in securing plat approval.

(C) Penalties

Any violation of this ordinance shall be a misdemeanor or civil infraction.

The owner or Developer of any land or part thereof, and any contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the remedies herein provided.

(D) Previous Enforcement

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

(E) Cumulative Violations

All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violations.

**Section 2. Resolution of Enforcement Questions**

- (A) Unless otherwise provided, all questions arising in regard to the enforcement of this Ordinance shall be presented in writing by the Owner or Developer to the Planning Administrator for their consideration. The Planning Administrator shall review said appeal within fifteen (15) working days and provide a written decision.
- (B) Any person affected by a decision of the Planning Administrator in the enforcement of this Ordinance may appeal said decision to the Board of Adjustment as allowed by law.

## Article 2. Definitions

### Division 1. *Rules of Construction*

- Section 1.** Words not defined in this Ordinance shall use the definitions in Chapters 354 and 355 of the Iowa Code; and if not defined therein, their ordinary and common meaning.
- Section 2.** Words used in the present tense include the future tense.
- Section 3.** Words in the singular number include the plural number, and words in the plural number include the singular number, unless otherwise indicated.
- Section 4.** Words used in the male gender include the female gender.
- Section 5.** The words “shall”, “will” and “must” are mandatory in nature creating an obligation or duty to comply with the particular provision.
- Section 6.** A reference to an Article shall mean an Article of this Ordinance.

### Division 2. *Words and Terms Defined*

**Aliquot Part** A fractional part of a section within the United States Public Land Survey. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section. Such fractions shall have a minimum width and depth of approximately 1320 feet less public right of way or other public land.

**Access Easement** An easement that grants the right to cross property.

**Auditor’s Plat** A subdivision plat required by either the auditor or the assessor, prepared by a licensed land surveyor under the direction of the auditor.

**Block** Land lying within an area bounded on all sides by streets, or a combination of streets, parks, cemeteries, railroad rights-of-way, or shorelines of water bodies, or boundary lines of municipalities.

**Building** Any structure built for the support, shelter, or enclosure of persons, animals, and moveable property of any kind.

**Building Line** A line perpendicular to lot depth, which establishes the horizontal distance between the structure and the front property line.

**Building Permit** Written authorization by the Jurisdiction to build a structure in accordance with the codes adopted by the Jurisdiction.

**Certify** Whenever a regulation requires that an agency or official authenticate the existence of some fact or circumstance, the jurisdiction may require that such authentication be made in any manner, oral or written, that provides reasonable assurance of the accuracy.

**Commission** The Polk County Zoning Commission.

**Common Ownership** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a family member owns an interest in each corporation, firm, partnership entity or unincorporated association.

**Common Area** Portion(s) of a parcel of land held in common and designated for separate ownership and use.

**Comprehensive Plan** A plan for development of the jurisdiction, prepared for and adopted by the Governing Body, pursuant to Chapter 335 of the Iowa Code.

**Condominium** A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions placing control over the common facilities in an elected board.

**Construction Plan** A plan showing the specific location and design of improvements to be installed in accordance with the requirements of and as a condition of approval of a plat.

**Corner Lot** A lot abutting two (2) or more streets at their intersection.

**Cul-de-sac** A local street that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Dedication** The act of transferring land or rights in land to the Jurisdiction for public purposes to include roadways, utilities, parks, open space, and other purposes authorized by this Ordinance.

**Development** A man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, or excavation operations; or storage of equipment or materials.

**Developer** A person engaged in development or subdivision.

**District** An area defined by the Jurisdiction Zoning Ordinance and Map in which the requirements for use of land, buildings, structures and development standards are prescribed.

**Division** The splitting of a parcel of land into two or more parts. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.

**Drainage Easement,** A right of water drainage to pass in open channel or enclosed structures.

**Drainage Report** A report and/or plan showing streams, lakes, floodplains, drainageways, and other water features; and the location, calculations and design of storm water structures, conveyances, easements, and other improvements to be installed as necessary to meet the requirements of this Ordinance.

**Easement, Public** A grant of one or more of the property rights, by the property owner to, or for use by, the public, a corporation, a person, or other entity.

**Engineer** A Professional Engineer licensed in the State of Iowa.

**Erosion** The wearing away of soil surface by the action of wind, water, ice, gravity or any combination thereof.

**Erosion Control** A measure, structure, or device which contains or stops the erosion of soil material within the land area of a development.

**Final Plat** A final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of this Ordinance which is presented for approval of the Governing Body and recorded by the Polk County Recorder.

**Flag Lot** A lot, created by subdivision, with lot width at the street frontage less than is required for the district, and composed of a narrow “flagpole” strip extending from the street and is connected to a wider “flag” portion lying behind a lot or lots having the required street frontage.

**Floodplain Development Permit** Written authorization by the Jurisdiction to place a structure in a floodplain in accordance with laws adopted by the Jurisdiction.

**Grade** The elevation of the ground surface.

**Grading** An operation or occurrence by which natural elevations are changed, or where any ground cover, natural or man-made, is removed; or any buildings or other structures are removed; or any water course or body of water is altered or relocated; thereby creating an unprotected area.

**Group Development** A development in which, in lieu of division of a parcels of land into separate lots for separate principal buildings, a parcel of land is divided into two (2) or more principal building sites for the purpose of building development, whether immediate or future, and occupancy by separate families, firms, businesses, or other enterprises.

**Governing Board** The Polk County Board of Supervisors.

**Homeowner’s Association** An agreement among owners for the purpose of governance and administration of jointly owned common area.

**Improvement** A building, structure, place, work of art or other object, or physical change of land on which they are situated.

**Jurisdiction** Polk County, Iowa.

**Jurisdiction Attorney** A licensed attorney elected as County Attorney, or appointed by the Governing Body to furnish legal assistance for the administration of this Ordinance.

**Jurisdiction Engineer** A licensed engineer designated by the Governing Body to furnish engineering assistance for the administration of this Ordinance.

**Jurisdiction Land Surveyor** A licensed land surveyor designated by the Governing Body to furnish land surveying assistance for the administration of this Ordinance.

**Land Surveyor** A land surveyor properly licensed in the State of Iowa.

**Lot** A parcel of land having fixed boundaries and identified by number or letter designation on a survey or subdivision plat.

**Lot Depth** The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

**Lot Width** The mean width measured at right angles to its depth at the building line.

**Maintenance Bond** Surety for four years that guarantees completed improvements placed pursuant to a Subdivision Plat and/or construction plans.

**Master Plan** A preliminary plat submitted in connection with a multiphase or phased subdivision which provides the information and graphics necessary to implement an integrated development scheme for all phases of the proposed subdivision.

**Neighborhood Access Plan** A plan for a subdivision plat showing lot access, street circulation patterns, and connections to adjoining property that meets the requirements of this Ordinance.

**Neighborhood Plan** A plan showing the development of designated neighborhoods within a jurisdiction, prepared for and adopted by the Governing Body.

**Ordinance** The Subdivision Ordinance of Polk County, Iowa.

**Owner** A holder of any legal or equitable estate in a premises, whether alone or jointly with others, and whether in possession or not.

**Open Space** All lands not occupied by buildings or paving. Open space represents many different elements in the landscape, including lawns, pathways/walkways, wooded areas, fields, and natural areas.

**Parcel** A portion of land.

**Park** All lands identified for recreational facilities, games and activities in the Jurisdiction's Park Plan.

**Pedestrianway** Strips of open land usually in conjunction with streams or drainageways which serve as access to and connection with other parks and open spaces. Frequently greenways contain trails restricted to pedestrians and non-motor vehicles created to link parks, open space, and activity centers. Also greenway or trail.

**Permit** Written authorization by the Jurisdiction to engage in the development, use, subdivision, transfer, construction, or other activity of any nature upon the land or improvements thereon, in accordance with the requirements of this Ordinance.

**Plan** A representation, graphic or written, of a future condition, including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

**Park Plan** A plan showing the location of parks and open space in the jurisdiction, adopted by the Governing Body.

**Path or Trail** A right-of-way restricted to pedestrian or non-motorized vehicles which links public places and uses and separates motorized traffic from pedestrian movement.

**Performance Bond** Surety, for one year or less, that guarantees uncompleted improvements will be placed as shown on Subdivision Plat and/or construction plans.

**Planning Administrator** An individual designated by the Governing Body to enforce the requirements of this Ordinance.

**Plat** A surveyed map or plan of a parcel of land.

**Plat of Survey** The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.

**Preliminary Plat** A map indicating the proposed layout of a subdivision or site, showing lots, streets, water, sanitary sewer, storm drainage, and any other requirements of this Ordinance, which is presented for approval.

**Private Drive** A shared drive or access owned and maintained privately.

**Public Improvement** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking, lot improvement, or other facility for which the jurisdiction may ultimately assume the responsibility for operation or maintenance, or which may affect an existing improvement which the jurisdiction has established, maintains or operates.

**Public Right-of-Way** An easement or fee title that grants to the Governing Body a strip of land occupied or intended to be occupied by a travel way for vehicles, pedestrians, utilities and any appurtenances thereto.

**Public Utility Easement (PUE)** An easement which grants to the Governing Body or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sanitary sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, community cable television and computer network systems.

**Right-of-way** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, utility line, pipeline, or for any other special use. Right-of-way as shown on a plat is separate and distinct from a lot or parcel and not included within the dimensions of such parcel; that is dedicated for public use by the Developer.

**Right-of-way width** The distance between property lines measured at right angles to the center line of the street.

**Rural Service Area** The unincorporated area of Polk County, Iowa that lies outside municipalities, and outside designated Urban Service Areas.

**Sight Easement** An easement that grants to the Governing Body the right to maintain an unobstructed view across property located at a street intersection. Also Sight Distance Easement.

**Sketch Plat** A sketch map of a proposed subdivision or site, showing streets, lots, and drainage and any other information required, of sufficient accuracy to be used for discussion of the street system and proposed development pattern.

**Storm Water Pollution Prevention Plan (SWPPP)** A plan that describes existing and future storm water conditions, and the activities and measures to be undertaken to control soil erosion and prevent pollution.

**Street** A right-of-way, dedicated as public property for public use serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties. The term street may be used synonymously with road or roadway.

**Street, Arterial** A street intended to move through traffic to and from major activity centers within the community, and/or a route for traffic between communities or neighborhoods which may have limited access and which carries large volumes of traffic. Also, Arterial or Arterial Street or Major Arterial or Minor Arterial or Other Principal Arterial.

**Street, Collector** A street intended to move traffic from local streets to an arterial street. A collector street serves a neighborhood or large subdivision. Also, Collector or Collector Street or Major Collector or Minor Collector.

**Street, Expressway/ Freeway** A street for through traffic, in respect to which owners or occupants of abutting property and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction. Also Expressway, Freeway or Interstate.

**Street, Local** A street whose primary function is to provide access to abutting properties and to other streets from individual properties. Also Local Street.

**Street, Public** A street owned and maintained by a governmental organization.

**Subdivision** A division of a parcel of land into three (3) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future).

**Major Subdivision** A subdivision where five (5) or more buildable lots are created in a tract of record requiring new public streets for access to interior property and requiring extension of public sanitary sewer or water line(s), or requiring a waiver from any requirement of this Ordinance.

**Minor Subdivision** A subdivision where not more than four (4) buildable lots are created in a tract of record, fronting on an existing approved public street.

**Surety** A form of security including a cash deposit, bond, or instrument of credit in an amount and form satisfactory to the Governing Body. Also Bond.

**Through Lot** A lot abutting two (2) streets that do not intersect. Also double frontage lot.

**Tract of Record** A section created by the United States Public Land Survey or Aliquot Part thereof and any Government Lot created by the United States Public Land Survey.

**Traffic Impact Study** A study conducted by a professional engineer that predicts the volume and type of vehicular movements generated by a given development, and recommends improvements that reduce delay times and improve vehicular movement, circulation, and safety.

**Urban Service Area** Land designated by map and recorded intergovernmental agreement for implementing coordinated land use, including zoning, comprehensive planning, subdivision regulations, and concentrated efforts in providing public water and sanitary sewer.

**Urban Design Standards-Current Edition (SUDAS)** A manual, as amended, of design standards and specifications for use in preparing plans for construction of public improvements pursuant to this Ordinance.

**Utilities** A system for supply, conveyance and treatment of water, sanitary sewer, storm water, electric, gas, or communications.

**Utilities, Public Sanitary Sewer** A system which provides for the collection and /or treatment of wastewater from more than one property which is owned and operated by a government organization or sanitary district.

**Utilities, Public Water** A system which provides for the supply and distribution of potable water for more than one property which is owned and operated by a government organization or a utility district.

**Utilities, Private Water** A system which provides for the supply and distribution of potable water for more than one property which meets the requirements of state law and is owned and operated privately. A well may be a component of the system.

**Utilities, On-Site Disposal** A system which provides for the collection or treatment of wastewater from a development, a property, or owner which meets the requirements of state law, and is owned and operated privately. Also, On-site Disposal or Septic System.

**Utilities, Public Storm Sewer** A system for the collection of storm water from one or more properties or facilities which are owned by a governmental Jurisdiction or a storm drainage district.

**Utilities, Private Storm Sewer** A system for the collection of storm water from one or more properties or facilities which are owned privately.

**Utilities, Well** A system which provides for the supply and distribution of potable water for use by a property, or an owner which meets the requirements of state law, and is owned and operated privately. Also Private Well.

**Waiver** A written request approved by the Governing Board to deviate from the requirements of this Ordinance.

### Article 3. Plat of Survey Procedures

#### Division 1. General Provisions

##### Section 1. Plat of Survey

A Plat of Survey shall be prepared in accordance with Chapter 354 and 355 of the Iowa Code for the division of a “tract of record” into two parts that does not dedicate street right-of way or land reserved for public use.

- (A) Any Plat of Survey must be reviewed and approved by the Planning Administrator or their designee by affixing their signature upon the Plat of Survey.
- (B) Such plat otherwise conforms to the “Lot” requirements of this Ordinance (Article 5 Division 3 Section 20) and other laws as appropriate.
- (C) After approval, the Plat of Survey shall be recorded by the property owner in the Office of the Polk County Recorder.

##### Section 2. Alternative Plat of Survey Provisions

###### (A) Boundary Line Adjustment

A plat of survey may also be prepared for boundary line adjustments that creates the same number or fewer number of lots, or creates lots or parcels for purposes other than building; may be approved and exempted from further compliance with this Ordinance if:

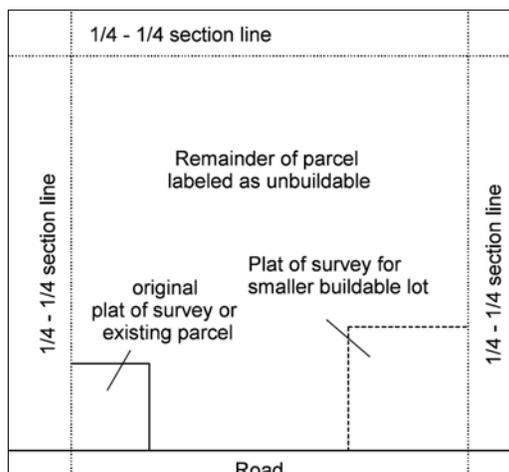
Such plat of survey is reviewed by the Planning Administrator to determine whether a plat of survey can adequately show the necessary adjustment, if not a subdivision plat would be required.

###### (B) Rural Survey

A Rural Survey may be prepared in accordance the Polk County Zoning Ordinance for the division of a parcel into two parts that allows a building parcel that is smaller than the district minimum by providing a residual parcel that provides the required open space along with remaining development potential, if any, through further subdivision.

##### Section 3. Allowances

- (A) A plat of survey may be prepared for a division that creates three parcels in a tract of record if all of the following can be met: (see diagram)



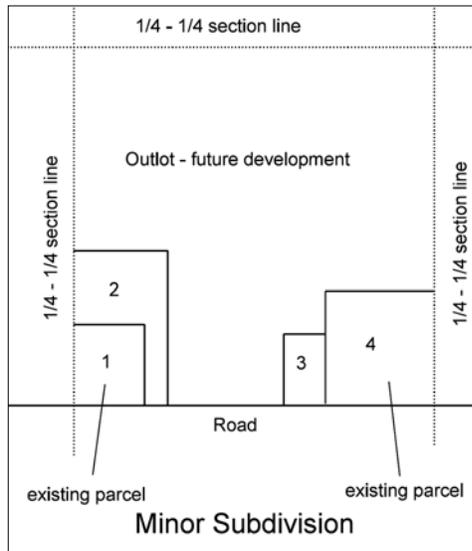
- (1) Only two parcels have building rights.
- (2) The remainder of the parcel shall be clearly labeled as unbuildable and designated with a parcel letter assigned by the Polk County Auditor.
- (3) Zoning requirements for minimum size and access can be met for the buildable parcel.
- (4) Division does not cause conflict with future access or development to subject parcel and/or adjacent parcels.

## Article 4. Subdivision Plat Procedures

A subdivision plat shall be prepared in accordance with the Subdivision procedures set forth in this Ordinance for the division of any tract of record that is divided into three (3) or more lots or any portion of a tract of record into two (2) or more lots.

### Division 1. *Minor Subdivision Plat Procedures*

These procedures are to be followed for a subdivision plat for not more than 4 lots within a tract of record (see diagram below) or a division that meets the allowed exceptions.



### Section 1. Minor Subdivision Preliminary Plat

- (A) Plat shall be prepared by a Land Surveyor licensed in Iowa.
- (B) Consent of the legal owner or joint owners of the land to be subdivided shall be required. Any representative of the owner shall have express written authority to act on behalf of the owner.
- (C) Minor Subdivision Plat must have frontage on an existing improved public street and new public streets are not required for access to the interior property as part of subdivision.
- (D) Subdivision must not adversely affect the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or pertinent Subdivision Ordinance regulations.
- (E) Submittal must include the required plats at the appropriate scale as stated and show all required information as noted in Appendix 1 and include the appropriate fee.
- (F) The Planning Administrator will review the Preliminary Plat and provide a written list of corrections within fifteen (15) working days after submittal. This list shall identify any corrections required to meet the minimum standards of this Ordinance.
- (G) The Developer will then resubmit a revised Preliminary Plat for review.
- (H) The Planning Administrator may approve such plat providing no further corrections or waivers are required. Any plat that requires waivers is considered a major subdivision.
- (I) Upon satisfactory review the Planning Administrator shall approve the Preliminary Plat and affix their signature upon the plat document.
- (J) After the Preliminary Plat is approved the Developer may proceed to Final Plat.

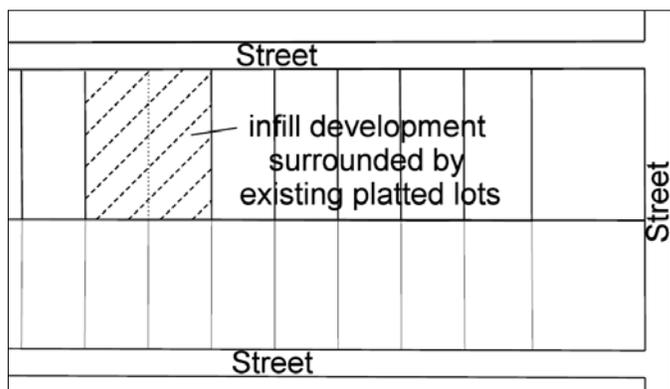
### Section 2. Minor Subdivision Final Plat

- (A) Plat shall be prepared by a Land Surveyor licensed in Iowa.

- (B) Submittal must include the required plats at the appropriate scale as stated and show all required information as noted in Appendix 1 and include the appropriate fee.
- (C) The Planning Administrator will review the Final Plat and provide a written list of corrections within fifteen (15) working days after submittal. This list shall identify any corrections required to meet the minimum standards of this Ordinance.
- (D) The Developer will then resubmit a revised Final Plat for review.
- (E) The Planning Administrator shall not schedule any Final Plat for review by the Governing Board until all required corrections have been revised to meet the minimum requirements of this Ordinance.
- (F) Other certificates, deeds, drawings and legal documents required for recording shall be submitted as set forth in Section 354.11 Code of Iowa for review and approval by the Jurisdiction Attorney's office.
- (G) The Planning Administrator and Jurisdiction Engineer will affix their respective signatures upon Final Plat recommended for approval and forward to the Director of Public Works for signing.
- (H) The Governing Board will study the Final Plat, hear citizen comments and make a decision.
- (I) The Governing Board may confer with the Developer, approve, or deny the Final Plat.
- (J) Upon approval the Final Plat shall be recorded. Recording fees are the responsibility of the Developer.

**Section 3. Exceptions**

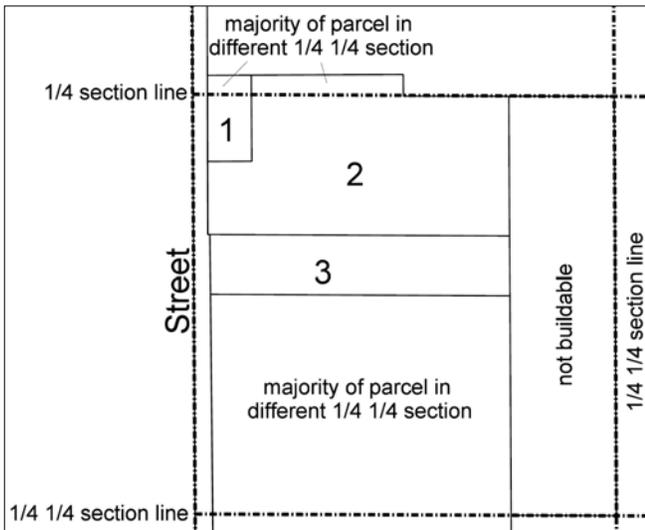
- (A) A minor subdivision may be prepared for an existing parcel being divided into two lots where the tract of record has previously been divided into more than 4 parcels if all of the following are met: (see diagram)



- (1) Zoning requirements for minimum size and access can be met.
- (2) Adjoins buildable platted property (not outlots) on rear and sides or property has double frontage.
- (3) Existing parcel is less than four times the minimum parcel size in respective zoning district.
- (4) Does not cause conflict with future access or development to subject parcel and/or adjacent parcels.

- (B) A minor subdivision may also be prepared for an existing parcel being divided where one of the following conditions is present toward the number of parcels within a tract of record where an existing parcel crosses section, quarter section, or quarter - quarter section line or an original line of a Government Lot: (see diagram on following page)

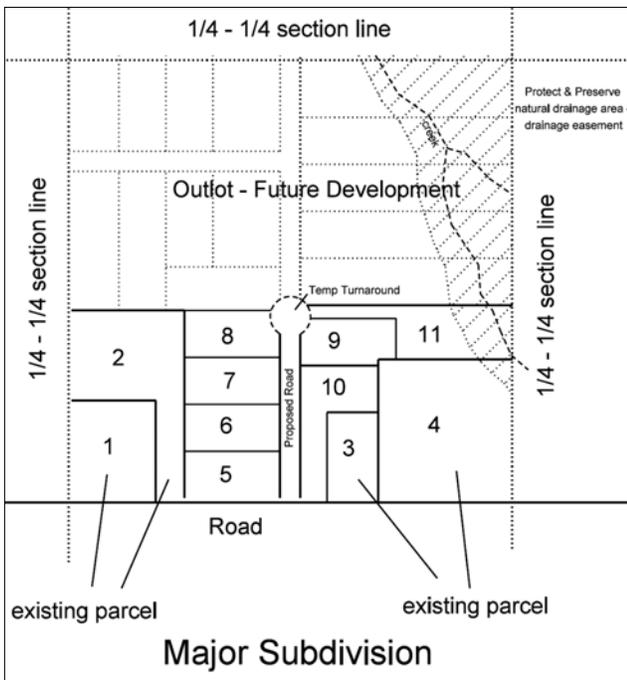
- (1) The tract of record that contains the majority of the area of an individual parcel that crosses the above referenced line(s) is the tract of record that the division counts toward and the other portion does not count as a parcel in the adjacent tract of record.
- (2) If the existing parcel crosses any of the above referenced line(s), a parcel can be split on said line if all new parcels created can meet the requirements of the Zoning Ordinance including size and access, the subdivision may be conducted as a minor subdivision because no new parcels are being created within the tract of record.



(This example at left shows a divided quarter-quarter ( $\frac{1}{4}$ - $\frac{1}{4}$ ) section, with parcels that overlap into other quarter-quarter sections. The overlap of lots 1 and 2 into the adjacent  $\frac{1}{4}$ - $\frac{1}{4}$  would not count toward divisions within that  $\frac{1}{4}$ - $\frac{1}{4}$ . The example also shows the current number of buildable parcels within the aliquot part (3). The lot labeled as not buildable does not count toward parcels for subdivision purposes within the  $\frac{1}{4}$ - $\frac{1}{4}$ .)

## Division 2. **Major Subdivision Plat Procedure**

These procedures are to be followed for a subdivision plat that creates 5 or more buildable parcels within a tract of record. (see diagram below)



## Section 1. **Pre-application Conference**

The Developer may schedule a pre-application conference with the Planning Administrator prior to submission of a Preliminary Plat.

- (A) At this conference, limiting terrain features, land unsuitable for development, sanitary sewer and water infrastructure, street design standards, the Neighborhood Access Plan and other submission requirements may be discussed.
- (B) A Sketch Plan of the proposed subdivision should be available for review.
- (C) Subdivision names shall be verified and logged with the Auditors Office prior to submission of the Preliminary Plat.

**Section 2. Major Subdivision Preliminary Plat**

- (A) A Preliminary Plat shall be prepared by a Land Surveyor licensed in Iowa.
- (B) Consent of the legal owner or joint owners of the land to be subdivided shall be required. Any representative of the owner shall have express written authority to act on behalf of the owner.
- (C) Submittal must include the required plats at the appropriate scale as stated and show all required information as noted in Appendix 1 and include the appropriate fee.
- (D) The Planning Administrator will review the Preliminary Plat and provide a written list of corrections within fifteen (15) working days after submittal. This list shall identify any corrections required to meet the minimum standards of this Ordinance.
- (E) The Developer will then resubmit a revised Preliminary Plat for review.
- (F) The Planning Administrator shall not schedule for review any Preliminary Plat for review until all required corrections have been revised to meet the minimum requirements of this Ordinance unless a written waiver request has been filed for the noncompliant item. Upon meeting the requirements the Planning Administrator will schedule the Preliminary Plat for the next Zoning Commission meeting for which fifteen (15) days notice can be given. The Planning Administrator shall not schedule any Final Plat
- (G) The Zoning Commission will study the proposed Preliminary Plat, hear citizen comments and make its recommendations.
- (H) The Zoning Commission may confer with the Developer and recommend changes deemed advisable; and shall recommend approval, approval with conditions, denial, or deferral of the Preliminary Plat at a scheduled meeting.
- (I) When a Preliminary Plat has been recommended for approval or denial by the Zoning Commission, the Planning Administrator shall schedule the Preliminary Plat for review at the next Governing Board meeting for which the item can be placed on the agenda.
  - (1) When the Zoning Commission recommends approval with conditions, the developer will resubmit revised Preliminary Plat to incorporate Zoning Commission conditions; the Planning Administrator shall review revised Preliminary Plat within seven (7) working days.
  - (2) Upon complying with the requested the conditions, the Planning Administrator shall schedule the Preliminary Plat for review at the next Governing Board meeting for which the item can be placed on the agenda.
- (J) The Governing Board will study the proposed Preliminary Plat, hear citizen comments and make a decision.
- (K) The Governing Board may confer with the Developer, approve, approve with conditions, or deny the Preliminary Plat.
- (L) The Planning Administrator will assign street names and an address to each buildable lot shown on the approved Preliminary Plat.

- (M) If a Preliminary Plat is approved or approved with conditions or waivers the Developer may proceed with Construction Improvement Plans.

**Section 3. Construction Improvement Plans**

- (A) Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted by the Developer and reviewed by the Jurisdiction Engineer.
- (B) If the plans are approved, the Developer may proceed with construction of the improvements.

**Section 4. Major Subdivision Final Plat**

- (A) A Final Plat shall be prepared by a land surveyor licensed in Iowa.
- (B) No Final Plat shall be approved until all required public improvements have been installed and approved or appropriate surety is provided.
- (C) Submittal must include the required plats at the appropriate scale as stated and show all required information as noted in Appendix 1 and include the appropriate fee.
- (D) The Planning Administrator will review the Final Plat and provide a written list of corrections within fifteen (15) working days after submittal. This list shall identify any corrections required to meet the minimum standards of this Ordinance.
- (E) The Developer will then resubmit a revised Final Plat for review.
- (F) If the Final Plat differs substantially from the Preliminary Plat; the Planning Administrator will schedule the Final Plat for the next Zoning Commission meeting. The Zoning Commission shall consider only changes at variance with the approved Preliminary Plat; and shall make a recommendation of the Final Plat to the Governing Board.
- (G) Other certificates, deeds, drawings and legal documents required for recording shall be submitted as set forth in Section 354.11 Code of Iowa for review and approval by the Jurisdiction Attorney's office.
- (H) The Planning Administrator and Jurisdiction Engineer will affix their respective signatures upon Final Plat recommended for approval and forward to the Director of Public Works for signing.
- (I) The Planning Administrator shall not schedule any Final Plat for review by the Governing Board until all required corrections have been revised to meet the minimum requirements of this Ordinance and required platting documents approved by the Jurisdiction Attorney's office.
- (J) The Governing Board may confer with the Developer, approve, or deny the Final Plat. If approved the Final Plat shall be recorded.
- (K) Upon approval the Final Plat shall be recorded. Recording fees are the responsibility of the Developer.

- (L) The approval and recording of a plat does not constitute acceptance by the Jurisdiction of public right-of-way of each street, or utility or drainage easement, nor does it constitute acceptance of lands intended for open space as shown on such plat. Land for such right-of-way and improvements installed thereon; or land designated as public open space, shall be accepted by the Governing Board by deed or dedication as set forth in Section 354.19 of the Code of Iowa.

### Division 3. ***Conditions and Expiration***

#### **Section 1. Conditions**

- (A) Any failure by the Planning Administrator (Minor Subdivision) or Zoning Commission (Major Subdivision) to make a decision within ninety (90) days of their official review of a subdivision plat, may be appealed in writing to the Governing Board within fifteen (15) days of the expiration of the ninety (90) days for the Governing Board to take action on the subdivision plat.
- (B) Any decision by the Planning Administrator or Zoning Commission, which sets conditions on a plat and its acceptance, shall be revised by the owner/developer and submitted to the Planning Administrator within sixty (60) days. If the conditions are not met or the plat is recommended for denial, a recommendation of denial shall be forwarded to the Governing Board within thirty (30) days of said decision.
- (C) Any subdivision plat denied by the Governing Board may be resubmitted by the owner/developer with a new review fee only after one (1) year has elapsed from the date of denial. The owner/developer may resubmit another form of a denied subdivision plat with a new review fee any time after the Governing Board's date of decision. Only one form of a subdivision plat will be processed at a time.

#### **Section 2. Plat Expiration**

- (A) A Minor Preliminary Plat shall expire if not approved by the Planning Administrator within two (2) years of the original submittal date. Approval of a Minor Preliminary Plat shall expire two (2) years from the date of approval by the Planning Administrator, unless all or a part of the area shown on such plat is recorded as a Final Plat.
- (B) A Major Preliminary Plat shall expire if not approved by the Governing Board within two (2) years of the original submittal date. Approval of a Major Preliminary Plat shall expire two (2) years from the date of approval by the Governing Board, unless all or a part of the area shown on such plat is recorded as a Final Plat.
- (C) A Minor or Major Preliminary Plat shall expire if there is a lapse of two (2) or more years between recording of a Final Plat for areas shown on an approved Preliminary Plat, unless a one (1) year extension is approved by the Planning Administrator.
- (D) A Final Plat shall expire if not recorded within ninety (90) days of approval of the Governing Board.
- (E) Any expired Preliminary Plat or unrecorded Final Plat may be resubmitted in accordance with this Ordinance with a new fee, and the plat will be processed in accordance with the rules in effect on the date of submission.

## **Article 5. Subdivision Plat Design Standards**

### **Division 1. General Provisions**

These design standards are minimum requirements. While it may be necessary to adjust the subdivision arrangement and layout to a variety of circumstances, the Developer should use standards that meet or exceed those contained herein to ensure an economical, safe and durable neighborhood.

#### **Section 1. Design standard requirements**

- (A) Subdivisions in the Urban Service Area shall include, unless otherwise provided, the provision of public sanitary sewer, public water equipped with fire service capacity, urban street section with curb and gutter, storm water collection systems, sidewalks, street lighting and underground utilities.

Where public water and sanitary sewer utilities are not available in the Urban Service Area, the Developer will be required to install a “dry” water and sanitary sewer system that fully meets standards, and temporary on-site sewage disposal and public drinking water service.

- (B) At a minimum, residential subdivisions in the Rural Service Area will include rural street section, open ditch storm water system, on-site sewage disposal, public drinking water (if available), or private wells and safety lighting at intersections.
- (C) Commercial, industrial, or multi-family developments will use Urban Service Area standards unless waived by the Governing Body.
- (D) Subdivisions for industrial uses may deviate from the standard block, street and cul-de-sac lengths and street widths as necessary to support such uses as approved by the Planning Administrator.

### **Division 2. Circulation and Access**

#### **Section 1. Circulation Pattern**

The circulation pattern of a proposed subdivision shall:

- (A) Conform to the Comprehensive Plan and Zoning Ordinance of the Jurisdiction.
- (B) Be platted with appropriate regard for Natural Resource Protection including topography, waterways, wooded areas, and other natural features.
- (C) Conform to a Neighborhood Access Plan where one exists or is required.
- (D) Align with existing streets or proposed streets (constructed or recorded) on adjoining property, and shall continue or complete such streets at equal or greater classification unless otherwise waived.
- (E) Provide convenient access to adjoining streets, thoroughfares, or undivided land.
- (F) In the event a street will eventually be extended beyond the plat, a temporary turn around will be required.

**Section 2. Access**

- (A) All residential lots must abut or have direct access to a public street or other public right-of way as follows:
  - (1) Access must be open and passable from the street where the address is legally assigned, to the principal building or structure.
  - (2) Access must not be located on a temporary turnaround on a dead end street.
- (B) Access to a commercial, office, institutional or industrial development must not be through a residential district.
- (C) Reserve strips adjoining street right-of-way for the purpose of preventing access to adjoining property shall not be permitted under any condition.

**Section 3. Neighborhood Access Plan**

A Neighborhood Access Plan may be required:

- (A) When a proposed subdivision potentially land locks or restricts access to a parcel or parcels, whether it is part of the land being platted or an adjacent parcel.
- (B) When natural features such as rivers, creeks, severe terrain, or soil types limit access and construction to the area proposed for platting.
- (C) When manmade features such as railroads, limited access roads, public lands and flood control projects limit access to the area proposed for platting.
- (D) When an adjoining parcel has been subdivided under a Neighborhood Access Plan and/or proposed streets have been recorded.
- (E) For non-residential subdivisions to show block lengths and street lengths.

**Division 3. Streets**

**Section 1. Street Classifications**

There are four classifications of streets under this Ordinance: expressway/freeway, arterials (major and minor), collectors (major and minor), and local. In classification of each street the Jurisdiction shall consider a twenty (20) year time horizon.

**Section 2. Street Design requirements**

- (A) In accordance with the Urban Design Standards-Current Edition (SUDAS).
- (B) Provided with grade alignment, grade changes, vertical curves, and sight distances as approved by the Jurisdiction Engineer.
- (C) Related to topography and avoid grades greater than 6%, as much as possible.
- (D) Extended to the boundary of the parcel subdivided, unless prevented by topography or other physical conditions. A non-residential subdivision street shall not extend into a local residential street.
- (E) In accordance with any Traffic Impact Study, if such is required.

### **Section 3. Traffic Impact Study**

A Traffic Impact Study is required for commercial, industrial, or residential developments that will increase traffic volumes more than one thousand five hundred (1500) trips/day.

- (A) Such study will determine measures that may be required to mitigate congestion and improve safety. Level of Service "C", as defined by the Transportation Research Board Highway Capacity Manual-Current Edition, shall be the standard for conduct of such study.
- (B) At a minimum, the study shall address the right-of-way width and pavement width, turn lanes, acceleration or deceleration lanes, and traffic devices required. Developers will be responsible for the dedication of right-of-way and installation of those improvements necessary to provide access to each lot or unit; and right-of-way and improvements necessary to accommodate new trips generated by the development onto existing roadways.
- (C) If such study is required, it shall be submitted with the Preliminary Plat.

### **Section 4. Expressway/Freeway**

- (A) Where a proposed subdivision involves frontage on a high use traffic way (limited access freeway, or expressway); access shall be provided by one of the following means:
  - (1) A parallel street, supplying frontage for lots backing onto the expressway/freeway; or
  - (2) A series of cul-de-sacs or loops entered from and planned at right angles to such parallel street with their terminal lots backing onto the expressway/freeway.
- (B) Direct access by driveway onto the freeway/expressway is not permitted.
- (C) Right-of-way width for a freeway/expressway shall be determined by the Iowa Department of Transportation.

### **Section 5. Arterials**

- (A) An access drive separated by a planting strip from the arterial street to which motor access from the drive is provided shall be at points suitably spaced.
- (B) Right-of-way width for an arterial shall depend on the number of lanes required, design speed, and uses served. Right of way width shall not be more than one hundred (100) feet nor less than eighty (80) feet as determined by the Jurisdiction Engineer. Notwithstanding, if topography requires a width more than one hundred (100) feet for earth slopes, such slopes not being in excess of three-to-one, such width will be required to be dedicated. Also, if a Traffic Impact Study for a high traffic use requires additional width for turn lanes and traffic mitigation measures, the Developer shall be required to dedicate right-of-way in excess of hundred (100) feet sufficient to build the improvements required by the Traffic Impact Study.
- (C) Maximum grade may not exceed the Urban Design Standards-Current Edition (SUDAS).

**Section 6. Collectors**

**Table 6.1 Collectors standards:**

Urban Service Area Curb and Gutter Section		Rural Service Area Open Ditch Section	
<b>Major Collector</b>			
Right-of-way Width	Pavement Width Back of Curb to Back of Curb	Right-of-way width	Pavement Width
80 feet	49 feet	80 feet	30-45 feet
<b>Minor Collector</b>			
60 feet	31 feet	80 feet	30 feet

- (A) Minor Collectors are designed to serve less than 2500 trips/day; and Major Collectors are designed to serve more than 2500 trips/day, but less than 5000 trips/day.
- (B) Right-of-way width shall be as determined by the Jurisdiction Engineer based on uses served, number of lanes, and design speed.
- (C) For high traffic uses additional right-of way width may be required to accommodate turn lanes and other traffic mitigation measures as shown in the Traffic Impact Study.
- (D) Maximum grade may not exceed six percent (6%).

**Section 7. Local Streets**

**Table 7.1 Local streets standards:**

Urban Service Area/ Rural Service Area Curb and Gutter Section		Rural Service Area Open Ditch Section	
Right-of-way Width	Pavement Width Back of Curb to Back of Curb	Right-of-way Width	Pavement Width
<b>Residential Streets Serving 24 or less lots</b>			
60 feet	26 feet	70 feet	28 feet
<b>Residential Streets Serving More than 24 lots, Commercial and Industrial Streets, but no more than 1500 trips/day</b>			
60 feet	31 feet	70 feet	30 feet

- (A) Maximum grade may not exceed six percent (6%).
- (B) Whenever a cul-de-sac is proposed such street shall be:
  - (1) No longer than six hundred (600) feet from adjacent right of way to the end of the proposed right of way in Residential Developments.
  - (2) The neck of the cul-de-sac shall not be shorter than at least twice the minimum lot width of the zoning district for which the plat is located.
  - (3) In no case shall more than (24) dwellings in any residential district be served by a single cul-de-sac.
  - (4) The minimum right-of- way diameter for a residential cul-de-sac shall be one hundred five (105) feet in diameter with a paved section diameter of eighty (80) feet in the Urban Service Area; or a right-of-way of one hundred twenty (120) feet in diameter or ten (10) feet behind the open ditch section, whichever is greater, with a paved section diameter of ninety (90) feet for Open Ditch Section.
  - (5) Maximum grade shall be six percent (6%).

**Section 8. Half Streets and Alleys**

- (A) Half streets shall be allowed only to complete a previously platted half street.
- (B) Alleys, platted as private drives or common area, may be allowed in business and industrial districts, or permitted in residential districts for access to block interiors, off-street loading, and parking. Such alleys shall be paved with concrete or asphalt.
- (C) Dead end alleys shall be provided with a permanent turnaround.
- (D) A service drive or alleyway at the rear of the lots may be constructed if authorized by the Jurisdiction.

**Section 9. Street Names**

The Sketch Plat or Preliminary Plat shall indicate the names of proposed streets. The Planning Administrator shall review such names and approve them or deny them in accordance with the following naming protocol.

- (A) A street which is a continuation of a street shall bear the same name.
- (B) Streets changing direction shall bear names consistent with their direction and location.

**Table 9.1**

<b>Direction</b>	<b>Long</b>	<b>Short</b>
<b>North/South</b>	Street	Court
<b>East/West</b>	Avenue	Place
<b>Diagonal</b>	Road	Way
<b>Curving</b>	Drive	Lane

- (C) New street names shall be sufficiently different in sound and spelling from other street names in the Jurisdiction so as not to be confusing.

**Section 10. Street Signage**

- (A) The Developer shall be responsible for:
  - (1) Installation of a street name sign at each intersection of a public street with another public street.
  - (2) Installation and maintenance of reflector type signs at all intersections between streets and private drives.
  - (3) Installation of traffic control signs in accord with Manual for Uniform Traffic Control Devices – Current Edition as amended, and such signs shall be a size, color, and placement as approved by the Jurisdiction Engineer.
- (B) At the Jurisdiction’s option the Developer will pay the Jurisdiction or contract with a private party for installation of such signs.
- (C) Upon acceptance of the street, the Jurisdiction will maintain signs in the public right-of-way.
- (D) The maintenance of private drive and traffic signs shall be the responsibility of an Owner’s Association.

**Section 11. Intersections**

- (A) Street intersections and approaches shall be designed in accordance with Urban Design Standards-Current Edition (SUDAS).
- (B) Streets shall be laid out so as to intersect at right angles, unless otherwise approved by the Jurisdiction Engineer.
- (C) No more than two streets shall intersect at any one point.
- (D) Proposed intersections on one side of an existing street, whenever possible, shall intersect with existing intersections on the opposite side of the street.
- (E) The centerlines of offset intersections shall be at least one hundred fifty (150) feet apart.
- (F) Triangular sight distance easements shall be shown at all street intersections and so noted on the plat. These easements shall remain free of all structures, berms, trees, fences, shrubbery attaining height greater than two and one half (2 ½) feet, driveways, and signs, except utility poles, fire hydrants, and traffic control signs.
- (G) The location and extent of each sight distance easement will be determined by the Jurisdiction Engineer.

**Section 12. Temporary Turnarounds**

- (A) Streets that dead end at the subdivision boundary shall be provided as part of the construction by the developer with a temporary turnaround with a paved minimum diameter of ninety (90) feet with appropriate easements.
- (B) Temporary turnarounds will not be considered to be cul-de-sacs for the purposes of this Ordinance.
- (C) Residential streets that result in only one means of ingress/egress for a period of time until a later phase of development occurs or an abutting property extends the roadway shall not exceed five-hundred (500) trips/day or 50 residences until a secondary access has been provided.

**Section 13. Bridges**

A bridge, if required, shall be the responsibility of the Developer. Design and construction plans for bridges shall be approved by the Jurisdiction Engineer.

**Section 14. Railroads**

If a railroad is involved in a proposed plat:

- (A) The plat will be designed so that future grade separations, where necessary, will be permitted. The Developer shall be responsible for gaining railroad permission of an at-grade crossing.
- (B) Lots will abut a street parallel to the railroad and back onto the railroad wherever possible.

- (C) Industrial lots may abut railroads or have rail right-of-way for spurs platted on them.
- (D) Cul-de-sacs will form right angles with the railroad so that lots may back onto the railroad.
- (E) Site distance easements shall be required at intersections with railroads.
- (F) If approved by the railroad, crossing signals installed at Developer expense will be required at intersections where warranted by traffic conditions.

**Section 15. Street Lighting**

Street lighting is required in the Urban Service Area.

- (A) Street lighting will be designed in accordance with the Urban Design Standards-Current Edition (SUDAS).
- (B) Plans for street lights with underground distribution shall be submitted to the Jurisdiction Engineer for approval.
- (C) The Developer shall pay for installation of street lights with underground distribution lines.
- (D) Cost of lighting, other than safety lighting shall be an Owners Association responsibility.

**Section 16. Safety Lighting**

- (A) Safety lighting shall be required at subdivision intersections in Rural Service Areas, or as required by the Jurisdiction Engineer.

**Section 17. Street Plantings**

Planting areas or open spaces may be proposed by the Developer or required by the Jurisdiction along lot lines bordering arterials; or entrance islands in the right-of-way of divided roadways.

- (A) Such areas shall be common areas, if outside the right-of-way, or subject to a maintenance agreement if inside the right-of-way; and shall be maintained by an Owners Association.
- (B) Installation and maintaining such planting areas shall be an Owners Association responsibility.
- (C) The Developer shall install fencing and other appurtenances required by zoning or by the Jurisdiction.

**Section 18. Street Trees**

Street Trees are required to be placed in all residential subdivisions in the Urban Service Area as determined by the Development Plan.

- (A) One tree for each 40 feet of street frontage. Such trees shall have a minimum caliper of two (2) inches and shall be a variety approved by the Jurisdiction.

- (B) The specific location of the trees shall be determined by the Jurisdiction.
- (C) Tree plantings may be waived if determined by the Planning Administrator that sufficient trees to meet or exceed the requirement are being preserved within the development.

**Section 19. Blocks**

Blocks shall be designed as follows:

- (A) No residential block shall be longer than one thousand three hundred and twenty (1320) feet or twelve (12) times the minimum lot width for the district, whichever is less, unless the Zoning Commission approves a longer distance in a Neighborhood Access Plan.
- (B) Block corners of residential streets shall be rounded with a radius as prescribed in the Urban Design Standards-Current Edition (SUDAS).
- (C) Notwithstanding these provisions, if a curve radius has previously been established such radius shall be used as standard.
- (D) If blocks are greater than eight hundred (800) feet in length, the reservation of an easement not more than twenty (20) feet wide through the block may be required to accommodate utilities, drainage easements, or pedestrian ways.
- (E) Block lengths for nonresidential subdivisions shall be as determined in the Neighborhood Access Plan.
- (F) Block corners of industrial streets shall be rounded to accommodate the turning radius of the largest vehicle expected to be served.

**Section 20. Building Lots**

The size, shape, and orientation of lots shall be appropriate for the location of the proposed plat and shall conform to the following:

- (A) Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with the district in which the subdivision is located.
- (B) Every lot shall have at least forty (40%) of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous area, hereinafter called a "building envelope", of a shape sufficient to hold a principal building. The building envelope shall be at or be filled to an elevation at least one (1) foot above the one-hundred-year flood elevation.
- (C) The building envelope, exclusive of minimum yard requirements, utility and drainage easements, on-site sewage disposal areas (if used), well areas (if used), and areas subject to the 100 year flood, shall be shown on each lot on the Preliminary Plat. The building envelope and sewage disposal area is not required on a plat of survey.
- (D) Side lot lines should be at or near right angles or radial to street centerlines.

- (E) No lot shall have a depth of less than one hundred (100) feet except for group developments and flag lots and no lot shall have a depth greater than four (4) times the width at the minimum building line.
- (F) Lot boundaries shall coincide with natural and existing man-made boundaries to the extent practicable to avoid lots that can be built upon only by crossing drainageways.
- (G) Ponds shall be held by a single owner or held in common, in a Home Owners Association.
- (H) Where a watercourse separates the building envelope from street access, a culvert or other structure, approved by the Jurisdiction Engineer, shall be installed by the Developer. Streets crossing dams shall not be allowed.
- (I) Each lot, except for group developments served by a private driveway, shall have a minimum of forty (40) feet of access onto a public street.
- (J) Flag lots shall:
  - (1) Serve only one (1) single family dwelling and its accessory structures.
  - (2) Have a maximum flagpole length of four hundred (400) feet, and a minimum flagpole width of forty (40) feet.
  - (3) Not exceed one (1) acre in size in areas with public sanitary sewer, or three (3) acres in size in areas without public sanitary sewer.
  - (4) Not be allowed in Urban Service Areas
    - (a) Due to length and feasibility of gravity sanitary sewer service line.
    - (b) Due to the proximity of a water hydrant for fire service and water service.
  - (5) Use a single driveway entrance for the flag lot and adjoining lot, if possible; the preferred location being on the common lot line with access easement granted to the adjoining lots.

Division 4. ***Sidewalks and Trails***

**Section 1. Sidewalks**

- (A) Except along controlled access facilities, sidewalks shall be required in all residential and nonresidential subdivisions in the Urban Service Area.
- (B) Sidewalks will be required in the Rural Service Area where the residential subdivision is located less than one (1) mile from a public school. Such sidewalks shall be maintained by adjoining property owners.
- (C) Permanent sidewalk shall be constructed for the entire width and/or length of each lot or lots upon which the dwelling, nonresidential building, or use is located, and the entire width and /or length of all sides of lot or lots which abut a public street.
- (D) When eighty percent (80%) of the lots of a plat have been built upon:
  - (1) An owner of any undeveloped parcel, upon written notification by the Jurisdiction, shall install the required sidewalks on their property within one hundred twenty (120) days.

- (2) If such sidewalk is not installed after expiration of the one hundred twenty (120) day period, the Jurisdiction may take any legal action necessary to install the sidewalk, and assess the cost of installation and legal expenses as a lien against the property.
- (3) The Governing Board may defer or waive sidewalk installation where there is an existing sidewalk or off-street bike/pedestrian trail of equal or better construction, which has been identified on or adjacent to the property.
- (4) The Jurisdiction will determine whether the sidewalks will be placed in the right-of-way, or on easements.

**Section 2. Trails**

- (A) Where bike/pedestrian or recreation trails are indicated the Comprehensive Plans, Park Plans, or Neighborhood Plans, the Developer will be required to dedicate land or trail easements at least twenty (20) feet in width in accordance with Urban Design Standards-Current Edition (SUDAS). This land or easements, if approved by the Governing Body, may serve to satisfy park and open space dedication requirements.
- (B) Trails not required by the Jurisdiction may be constructed by the Developer. These trails will not be dedicated to the public and will be maintained by the owner.

**Division 5. Subdivision Utilities**

**Section 1. Public Water and Sanitary Sewer**

- (A) Design of public water distribution system and sanitary sewer collection system, and all appurtenances shall be in accordance with Urban Design Standards-Current Edition (SUDAS).
- (B) A Professional Engineer licensed in the State of Iowa shall prepare water and sanitary sewer construction plans.
- (C) Connection of each lot to public water and sanitary shall be required if the proposed subdivision is within three hundred (300) feet of the nearest lines of a public system, provided that no geographic or topographic factors would make such connection infeasible as determined by the Planning Administrator.
- (D) Sanitary sewer and public water shall be extended across the subdivision to the adjacent external boundary or as necessary to accommodate future extension.
- (E) Sanitary sewer mains shall be a minimum eight (8") inch or larger and shall be designed to meet the ultimate flow requirements as determined by the Jurisdiction Engineer.
- (F) If public sanitary sewer is not available, dry sanitary sewer installation without connection shall be required in the Urban Service Area regardless of distance to existing sanitary sewer mains.
- (G) Water mains shall be eight (8") inch or larger as necessary to meet service and fire flow demand, and completed with valves, stop boxes, and fittings.
- (H) Where required fire hydrants shall be spaced at no more than four hundred fifty (450) feet in residential areas and three hundred (300) feet in other areas.

- (l) In the Urban Service Area the water system shall be installed to meet fire flow requirements regardless of the water service availability.

**Section 2. On-Site Sanitary Sewer**

Where public sanitary sewer is not available:

- (A) Each lot proposed for development shall be evaluated by a licensed Professional Engineer for an on-site sewage disposal system in accordance with the standards set forth by the State of Iowa.
- (B) Each lot shall be evaluated by a licensed Professional Engineer using the soil analysis or percolation method.
- (C) A soil report shall be prepared for each lot enumerating location and absorptive capacity of soils thereon.
- (D) Each lot shall have sufficient soil absorption area for a disposal system and a repair area of equal size.
- (E) Lots not proposed for development need not be evaluated. Plat of Survey need not be evaluated at time of survey but would need to be evaluated prior to any construction.

**Section 3. Wells**

Where public water is not available, wells shall be provided as set forth by the State of Iowa. Permits for wells are required from Polk County.

**Section 4. Electrical, Television Cable, Telephone, Fiber Optic, Gas**

- (A) In the Urban Service Area all utilities, except electrical transmission lines greater than fifteen thousand (15,000) volts, shall be installed underground.
- (B) Notwithstanding the provisions of Article 5 Division 7 Section 1, utility easements in group developments shall be provided in a manner that maintains ease of service and accessibility to all lots and structures.

**Division 6. Easements**

**Section 1. Utility Easements**

Utility easements are required for all utilities placed outside the public right-of way.

- (A) In Major Subdivisions such easements shall be at least twenty (20) feet wide and centered on the rear lot line, but may be larger in accordance with the Urban Design Standards-Current Edition (SUDAS), and shall be shown on the plat.
- (B) When utility easements cannot be located on the rear lot line, they shall be provided on a side or front lot line.
- (C) Where a utility easement currently exists, such will be shown on the plat with appropriate references.
- (D) If it is determined by the Jurisdiction that an existing utility easement is adequate to meet current and future needs, no additional easement will be required.

**Section 2. Easement Maintenance**

- (A) All drainage and utility easements will be kept free and clear of any buildings or other improvements that would interfere with their proper maintenance. Each easement on private property shall be maintained by the property owner or Owner's Association except as otherwise indicted herein.
- (B) Any government agency or private utility installing, replacing, or maintaining above ground or underground lines after development shall be responsible for replacement to the extent required by law of all fencing, pavement and landscaping disturbed by such installation.
- (C) The Jurisdiction shall not be liable for damages to an improvement located within a drainage or utility easement caused by maintenance or replacement of utilities located therein by other government agencies or private utilities.

**Division 7. Stormwater**

**Section 1. Drainage Report**

A Drainage Report and Plan detailing land use, hydrology, storm sewer design, detention design, channels and floodplain data shall be submitted at the time of Preliminary Plat.

- (A) Stormwater Calculations
  - (1) Each plat shall show storm drainage systems sufficient for the construction and maintenance of storm flows. Drainage improvements shall accommodate runoff from the upstream drainage area and shall be designed to prevent downstream flooding.
  - (2) The design and plans, including calculations, shall be prepared in accordance with Urban Design Standards-Current Edition (SUDAS).

**Section 2. Drainage Easements**

- (A) Drainage easements shall be shown on each plat. The width of each easement shall be in accordance with the Urban Design Standards-Current Edition (SUDAS), and shall be sufficient for maintenance based on enclosure depth.
- (B) Drainage easements may be used for any underground utility if appropriately identified.
- (C) Proper sizing of culverts for crossing drainage easements shall be provided on the plat where determined to be necessary and shall be certified by an Iowa Licensed Engineer.

**Section 3. Floodplain Development Permit**

- (A) If a subdivision is located within a FEMA designated floodplain, a Floodplain Development Permit will be required according to the Polk County Zoning Ordinance. The Floodplain Development Permit application and supplementary data required shall be submitted with the Preliminary Plat.
- (B) In cases where fill is proposed or existing in a floodplain, proposed and existing fill elevations shall be shown.

**Section 4. Stormwater Pollution Prevention Plan**

At the time of Preliminary Plat, a Stormwater Pollution Prevention Plan (SWPPP) detailing temporary and permanent measures necessary to control soil erosion and sedimentation during and after construction will be submitted as required by the Iowa Department of Natural Resources (IDNR). In addition to the SWPPP the Letter of Authorization from IDNR should also be submitted. Such plan will be prepared in accordance with the Urban Design Standards-Current Edition (SUDAS).

**Section 5. Erosion Control Bond**

A Maintenance Bond in an amount sufficient to repair and replace erosion control measures, plant ground cover for any graded area, and repair damage arising from the failure of erosion control measures, shall be provided by the Developer to and in favor of the Jurisdiction. Such bond shall be \$2,000 per acre and not be for an amount greater than \$10,000 and shall not be less than four years in duration, such duration beginning at the time of construction. The Jurisdiction may require maintenance of erosion control devices or structures for the period covered by the bond, or may return the bond to the Developer when ground cover has been established for the area graded. The bond shall be required at time of Final Plat.

**Division 8. Open Space and Public Uses**

**Section 1. Open Space Dedication**

- (A) At least three (3) acres per one hundred (100) dwellings, or a pro rata fraction thereof, of the land area of each proposed subdivision or development shall be dedicated for public park or open space purposes. Floodplain may not count for more than one half (1/2) the required dedication. Unless otherwise approved, such dedicated land shall have a minimum dimension of one hundred (100) feet and be at least one (1) acre in size.
- (B) Where minimum park and open space land size cannot be met, park and open space easements along with green infrastructure components within the plat may be considered.

**Section 2. Public Space Set Aside**

Whenever a parcel to be subdivided includes a school, or other public use as indicated on the Comprehensive Plan, the space will be incorporated into the Preliminary Plat by the Developer.

**Section 3. Procedure**

At the time of Preliminary Plat review the Developer shall indicate on the plat the location and acres of the land proposed for public open space, or land reserved for public space, and may indicate any proposed private open space or parkland.

**Section 4. Determination**

- (A) If dedication of park and open space is required, such dedication shall be by Warranty Deed or by dedication certificate without cost to the Jurisdiction at the time of the Final Plat.
- (B) If easement for park and open space land will suffice, and be accepted, such easements shall be shown on the Final Plat.

- (C) If additional reservation of land for public park and open space is required, the process and timing for acquisition of such land by the Jurisdiction shall be stated. Such reserved land shall be shown on the Final Plat.
  - (1) After consultation with the appropriate public agencies the size and location of land to be reserved for public space shall be determined. Such reserved land shall be shown on the Final Plat.
  - (2) The Jurisdiction or public agency shall purchase any reserved land within one (1) year of Final Plat recordation, or the Developer shall be allowed to remove the designation, and develop the land. An affidavit shall be filed at the time of expiration of the one (1) year by the developer to remove the designation.
- (D) If park and open space land is proposed by the Developer to be privately held, such shall be granted by Warranty Deed without cost to an Owner's Association at the time of Final Plat.

### **Section 5. Open Space Criteria**

In order to determine whether public open space is appropriate, the Governing Board shall consider:

- (A) The Comprehensive Plan, and /or Park Plan, especially as such plans show park and open space areas.
- (B) Topographic and geologic features, floodplains, historic and archeological sites, and natural areas.
- (C) Access to the subdivision and the proposed open space.
- (D) Size and shape of the subdivision, and land proposed for open space.
- (E) The character and recreational needs of the neighborhood where the subdivision is proposed.
- (F) The suitability of the subdivision for open space by reason of location, access, development cost, and maintenance cost.
- (G) The determination of the Governing Body shall be final and conclusive.

### **Section 6. Open Space Development**

- (A) The Jurisdiction shall be responsible for the development of park and open space land dedicated to it.
- (B) Private park and open space land proposed for transfer to an Owner's Association shall be developed by the Developer as indicated on the Preliminary Plat.

**Division 9. Conservation Design/Natural Resource Protection**

**Section 1. Purpose**

Conservation design is intended to conserve community resources, preserve natural areas, utilize green infrastructure and protect the health and safety of the community.

**Section 2. Objectives**

The subdivision regulations are intended to allow conservation design practices to be implemented while ensuring that such development is consistent with the underlying purposes of Polk County regulations and plans.

**Section 3. Standards**

The purposes and objectives are accomplished through land development options set forth in this ordinance and Polk County Zoning Ordinance that protect natural resources and allow flexibility in the bulk regulations and construction options. Reference the Polk County Zoning Ordinance Natural Resource Protection requirements, Density Standards and Natural Resource Calculations for development options and required protection levels of natural resources.

## **Article 6. Subdivision Improvements**

### **Division 1. Construction of Improvements**

#### **Section 1. Developer responsibility**

- (A) Be responsible for the installation and construction of all improvements required by this Ordinance.
- (B) Warrant the design, material, installation, and workmanship of such improvements for four (4) years from and after acceptance of roadway paving, storm sewer installation, sanitary sewer and water main installation. Such warranty shall be by bond or other instrument acceptable to the Jurisdiction Attorney.
- (C) Submit with the Preliminary Plat a Neighborhood Access Plan (if required), a Drainage Report and Plan, Floodplain Development Permit Application (if required), Soil Analysis for On-Site Disposal System (if required), a Traffic Impact Study (if required), and a Stormwater Pollution Prevention Plan along with Notice of Intent and Letter of Authorization from Iowa Department of Natural Resources. These reports and plans will be reviewed concurrently with the Preliminary Plat.
- (D) Upon approval of the Preliminary Plat and reports, construction plans shall be prepared and submitted for approval by the Planning Administrator and Jurisdiction Engineer in accordance with Urban Design Standards- (SUDAS) Current Edition for streets and traffic mitigation measures, storm drainage, erosion control devices and measures, water distribution system, sanitary sewage collection system, sidewalks and trails, lighting and landscaping (if required).
- (E) Upon approval of such plans the Developer may commence construction of the improvements.

#### **Section 2. Phased Construction**

- (A) For each subdivision section or phase, construction plans shall include all improvements lying within that section or phase and all improvements lying outside that section or phase required to serve that section or phase.
- (B) None of the improvements, except clearing, grubbing, and erosion control, may be constructed until construction plans have been approved by the Jurisdiction Engineer.
- (C) Any approved soil erosion and sedimentation control devices may be installed prior to approval of street and utility construction plans. Street and utility plans shall show the location existing and proposed runoff control structures relative to proposed improvements.

#### **Section 3. Construction Inspection**

Upon approval of the construction plans by the Jurisdiction Engineer, and issuance of permits otherwise required, the Developer shall contract with the Jurisdiction for inspection of all improvements to be made; or, at the Jurisdiction's option, provide evidence of contract for all improvements to be inspected by a Professional Engineer. All such costs are to be paid by the Developer.

**Section 4. Future Improvements**

If the Jurisdiction requires the installation of off-site or oversized improvements or the extension of off-site or oversized improvements to adjacent property pursuant to future plans, the Jurisdiction shall reimburse the Developer based on rates set by the Jurisdiction. Reimbursement will be for those improvements necessary to support those future needs, but not those improvements necessary to support the development.

**Section 5. Deferred Improvements**

When it is determined by the Jurisdiction that an improvement is required pursuant to this Ordinance for future access or connection, but such improvement should not be constructed at this time, the Developer will be required to plat the street right-of-way or utility easement and deposit in the Subdivision Trust Fund an amount equal to the cost of providing such improvement(s).

**Division 2. Completion of Improvements**

**Section 1. Developer Responsibilities upon completion of all improvements**

- (A) Provide a certificate of completion from a licensed Professional Engineer for all improvements installed pursuant to the plat.
- (B) Provide as-built drawings for all improvements in accordance with Urban Design Standards-Current Edition.
- (C) Provide deeds or dedication certificates, lien waivers, and tax certificates for all right-of-way and open space to be deeded or dedicated to the Jurisdiction.
- (D) Provide payment to the Subdivision Trust Fund for any deferred improvements.
- (E) Provide surety for any uncompleted improvements.
- (F) Provide a Final Plat in accordance with Appendix 1.
- (G) Provide Owner's Association documents, if required.
- (H) May be required to provide a Soils Report for each lot if on-site wastewater systems are proposed, if the proposed area is disturbed during the construction of improvements.
- (I) Provide a Maintenance Bond for all improvements made.
- (J) Maintain, repair, and remove storm water pollution prevention devices until such maintenance bonds expire. The developer shall be responsible for the removal of devices upon final stabilization.

**Section 2. Jurisdiction responsibilities upon approval of the improvements, reports and documentation**

- (A) Initiate Final Plat procedures in accordance with this Ordinance.
- (B) Concurrently schedule acceptance of land and improvements as provided on the Final Plat.

### Division 3. **Sureties**

In lieu of requiring the completion and installation of all improvements, prior to the issuance of a building permit or occupancy certificate, the Jurisdiction may enter into an agreement with the Developer whereby the Developer shall complete all required improvements.

#### **Section 1. Agreement**

Once said agreement is signed by the Developer and the security required herein is provided, a building permit or occupancy certificate may be issued, if all other requirements of this Ordinance are met.

- (A) At a minimum all health and safety improvements must be completed and an all-weather surface must be provided for access before surety can be considered.
- (B) To secure the agreement the Developer shall provide, any or a combination of the following sureties to cover the costs of the uncompleted improvements:
  - (1) A surety bond from a surety bonding company authorized to issue said bonds in Iowa. The bond shall be payable to the Jurisdiction in an amount equal to the entire estimated cost, as approved by the Jurisdiction, of installing all uncompleted improvements.
  - (2) Deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Jurisdiction or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Jurisdiction. The amount of deposit shall be equal to the entire estimated cost, as approved by the Jurisdiction, of installing all uncompleted improvements.
  - (3) If cash or other instrument is deposited in escrow with a financial institution, the Developer shall file with the Jurisdiction an agreement between the financial institution and himself that guarantees:
    - (a) that the escrow account shall be held in trust until released by the Jurisdiction and may not be used or pledged by the Developer in any other matter during the term of escrow; and
    - (b) that in case of failure on the part of the Developer to complete said improvements, the financial institution shall, upon notice from the Jurisdiction immediately pay the funds deemed necessary by the Jurisdiction to complete the improvements, up to the full balance of the escrow account, or deliver to the Jurisdiction any other instrument fully endorsed or otherwise made payable in full to the Jurisdiction.

#### **Section 2. Financial Guarantee**

The duration of a financial guarantee shall be a reasonable period to allow for completion and acceptance of the improvements, but in no case shall such duration exceed one (1) year. Any guarantee of a duration less than one (1) year, may be extended with the Jurisdiction's consent, but not to exceed one (1) year, if such extension takes place at least thirty (30) days prior to expiration.

**Section 3. Expiration of Guarantee**

Any development whose improvements are not completed and accepted thirty (30) days prior to the expiration of the financial guarantee shall be considered to be in default.

- (A) Upon default, the surety bonding company or financial institution shall, if requested by the Jurisdiction, pay all or any portion of the bond or escrow fund to the Jurisdiction up to the amount deemed necessary by the Jurisdiction to complete the improvements.
- (B) Upon payment, the Jurisdiction shall expend such funds or portion thereof to complete any or all required improvements.
- (C) Default does not release the Developer from liability and responsibility for completion of the improvements.

**Section 4. Release**

The Jurisdiction may release a portion or all of any security posted as the improvements are completed and approved by the Jurisdiction.

**Division 4. Owners Associations**

**Section 1. Association Required**

- (A) An Owner's Association shall be established to accept conveyance and maintain all open space, common areas and facilities within a development containing common areas.
- (B) Developments that have common areas or facilities that are shared within the development shall be conveyed to an owner's association in which all owners of lots in the development shall be members. Common driveways shall not be construed to be common area.
- (C) Owner's Association must be filed and registered with the Secretary of State in accordance to Chapter 504 Code of Iowa.

**Section 2. Common Area**

- (A) Other than public right-of-way, dedicated open space shall be shown and designated as common area.
- (B) Title of the common area shall be conveyed by the Developer to the Owner's Association.
- (C) Common areas shall not be subsequently divided or conveyed by an Owner's Association except in compliance with this Ordinance.
- (D) Land designated by plat for agricultural use only, may be held in private ownership or by an Owner's Association. An agricultural use only designation must be vacated by plat.

**Section 3. By Laws**

Prior to submission of a Final Plat for review and approval by the Governing Board, the Developer shall submit a copy of the proposed By Laws of the Owner's Association containing covenants and restraints. These restrictions shall include but not be limited to:

- (A) Membership in the Owner's Association for each original purchaser and each successive purchaser of a lot or unit.
- (B) Provision for assimilation of new owners from subsequent sections of the development.
- (C) The payment of premiums for liability insurance, local taxes and assessments.
- (D) Power to levy assessments against the owners of lots or units in the development.
- (E) Easement for access, ingress and egress from common areas to public right-of-way.
- (F) Provision for common area and recreational facility maintenance, and restoration in the event of damage.
- (G) Provision that owner's become individually liable for taxes and assessments of the common areas in the event of default.
- (H) Provision for an annual meeting of the association. After approval any amendment of the By Laws shall be resubmitted to the Jurisdiction for review and approval that will affect Jurisdiction Regulations.

**Section 4. Preexistence**

An Owner's Association shall be in legal existence prior to the conveyance or transfer of control of any unit or lot in the development.

**Division 5. *Permits and Certificates of Occupancy***

**Section 1. Issuance**

If the Final Plat has been recorded and Surety, if required, has been properly posted; the Planning Administrator may issue Building Permits but Certificates of Occupancy shall not be issued and subsequent no house shall be occupied for any lot on the plat until necessary improvements have been completed and accepted by the Jurisdiction.

Appendix 1. Subdivision Map Standards

**Section 2. Number of Review and Filing Copies to be submitted**

Type of Map	Review Prints	Filing Prints
Sketch Plan	2	
Plat of Survey	2	2
Preliminary Plat	12	
Construction Plans	2	
As-Built Plans		2
Final Plat	8	

**Section 3. Required Information on Plats**

Submission of all maps and/or plats shall contain the following information before submittal to the Planning Administrator for review. An ● indicates required information. On a Sketch Plan or a Preliminary Plat all information is to be shown on the parcel and for a distance of at least 100 feet on all adjoining parcels. The Planning Administrator may waive items required, if determined such items are not necessary to complete the review.

Information Required	Plat of Survey	Sketch Plan	Minor Preliminary Plat	Minor Final Plat	Major Preliminary Plat	Major Final Plat
Map scale 1"=50' or 1"=60' or 1"=100' if necessary		●	●	●	●	●
Plan size shall not exceed 24" X 36" <i>* may be drawn on more than one sheet with appropriate match lines</i>			●	●	●	●
Name of Development			●	●	●	●
Type of map or plat (preliminary, final, plat of survey)	●	●	●	●	●	●
Location of map or plat (address, city, township, section & range)	●	●	●	●	●	●
Legal Description of parcel and source of boundary information (plat book & page) and number acres	●	●	●	●	●	●
North arrow, scale	●	●	●	●	●	●
Owner's and/or Developer's name, address, telephone #	●	●	●	●	●	●
Surveyor's name, address, telephone number	●	●	●	●	●	●
Registration and seal of surveyor	●		●	●	●	●
Date(s) prepared and revision dates			●	●	●	●
Boundary lines of subdivided area with accurate distances, bearings and boundary angles	●			●		●
Location and names of adjoining subdivisions			●	●	●	●
Names of owners of all adjoining parcels			●	●	●	●
Identify adjacent parcels and their boundaries	●		●	●	●	●
Location of existing monuments, markers and control corners	●			●		●
Zoning classification	●	●	●		●	
Boundaries of parcel to be subdivided in heavy line (phase lines, if multiple phases)	●	●	●	●	●	●

Information Required	Plat of Survey	Sketch Plan	Minor Preliminary Plat	Minor Final Plat	Major Preliminary Plat	Major Final Plat
Front building setback lines		•	•	•	•	•
Vicinity sketch at a scale of 1 inch equals 2000 feet		•	•		•	
Proposed lot lines, lot numbers, dimensions, and lot area (in square feet, if below 1 acre)	•	•	•	•	•	•
Curve data including: delta angle, degree of curve, length of arc, and tangent	•			•		•
Existing and proposed topography (USGS datum) showing contour intervals of at least five (5) feet and at least two contour elevations given in MSL			•		•	
Location of natural, historical and archeological resources		•	•		•	
Location, names and widths of all existing and proposed alleys, streets and highways adjacent or on the parcel or adjoining parcels including pavement widths	•	•	•		•	
Existing and proposed right of way widths, street names, and centerlines		•		•		•
Existing land uses including structures and setbacks	•	•	•		•	
Existing railroads, above and underground utilities and utility poles		•	•		•	
Location and areas of drainageways, streams, lakes and ponds, marshes, swamps and wetlands, and proposed storm sewers		•	•		•	
Location, area and elevations of floodway and flood fringe from Flood Hazard Boundary Maps	•	•	•	•	•	•
Location of masses of trees, and isolated trees with diameter greater than 16 inches			•		•	
Location, dimension and size of permanent runoff control structures			•		•	
Source of water, source of sewage disposal, and location of proposed service pipes			•		•	
Location and sizes of proposed and existing water, sanitary sewer, and storm sewer lines				•		•
Location, width and type of easements for public utilities: sanitary sewer, water, storm sewer, gas, electric, cable TV	•		•	•	•	•
Location, dimensions and size of common areas and open space areas under Owner Association control		•	•	•	•	•
Location, dimensions and size of areas proposed for public dedication and use		•	•	•	•	•
Submit completed Density Calculations for subdivision	•		•		•	