

## CHAPTER 166

# SUBDIVISION REGULATIONS

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**166.01 TITLE.** This chapter shall be known, referred to and cited as the “Land Subdivision Ordinance of the City of Dyersville, Iowa.”

**166.02 PURPOSE.** This chapter is to provide for the harmonious development of the City; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the City Plan of Dyersville; for adequate open space for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

**166.03 ESTABLISHING JURISDICTION TO REVIEW.**

1. Pursuant to the authority of Section 354.9 of the Code of Iowa, the City does hereby extend its authority to review subdivisions outside the City’s boundaries for a distance of two miles from the City’s boundaries.
2. All subdivisions of land within two miles of the boundaries of the City shall be subject to the provisions of this chapter.

**166.04 DEFINITIONS.** For the purpose of this chapter, certain words used herein are defined as follows.

1. “Alley” means minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
2. “Arterial streets and highways” means those which are used primarily for fast or heavy traffic.
3. “Collector streets” means streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
4. “Commission” means the Planning and Zoning Commission of the City.
5. “Marginal access streets” means minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through-traffic.

6. "Minor streets" means those streets which are used primarily for access to the abutting properties.
7. "Streets" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
8. "Subdivision" means the division of a parcel of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided, that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. "Subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

#### **166.05 PLATS.**

1. Plat Required. It is unlawful for the owner, agent, or persons having control of any land within the corporate limits of the City, or within two miles thereof of its corporate limits, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State of Iowa and the provisions of this chapter. The owner of any tract or parcel of land, which has been subdivided or shall hereafter be subdivided, surveyed or platted into two (2) or more parts, for any purpose, shall cause a plat of such area to be made in the form, and containing the information, as hereinafter set forth, before sale or conveyance of any lot, before commencing construction on any lot therein and/or before recording the plat. No tract or parcel of land shall be divided into three (3) or more parts, whether the result of a single division or series of divisions, unless such plats follow the subdivision procedures and requirements as prescribed by this chapter. For purposes of this section, a tract or parcel shall be considered to have been subdivided if there has been any previous division of the original 40 acre aliquot part, as defined by Iowa Code Section 354.2, in which the tract or parcel is located in whole or in part. A plat of a tract or parcel containing more than one lot which is reconfigured into a tract or parcel containing the same number or fewer lots shall follow the subdivision procedures and requirements as prescribed by this chapter. However, if the tract or parcel was not

subject to the approval of the Council when previously divided, or if the tract or parcel is reconfigured into a tract or parcel containing either one or two lots, the plat shall follow the simple division procedures and requirements as prescribed by this chapter.

- A. Present a plat prepared by a Registered Land Surveyor under the laws of the State of Iowa.
- B. The City shall receive a copy of the recorded plat.
- C. The plat shall bear the endorsement of:
  - (1) Owners and proprietors, and spouses, if any.
  - (2) Dyersville Planning and Zoning Commission.
  - (3) Mayor and City Clerk.
  - (4) County Auditor.
  - (5) County Assessor.
  - (6) Clerk of the District Court.
  - (7) County Treasurer.
  - (8) County Recorder.
  - (9) Certification of Examination of Abstract.
  - (10) Resolution by the City approving said plat.

Provided, however, the owner of existing lots of record, where all improvements, such as streets and utilities have been installed by the developer and accepted by the City, may convey a portion of said existing lot of record by a metes and bounds description if such description is found to be acceptable by the County Recorder and the County Auditor. Such conveyance must leave the remaining property with sufficient property to meet existing setback requirements for any existing buildings on said property or uses of said property.

2. Plans and Data. Previous to the filing of an application for conditional approval of the preliminary plat (general subdivision plan), the subdivider shall submit to the Commission plans and data as specified in Section 165.08 of this chapter. This step does not require formal application, fee, or filing of plat with the Commission. Within thirty (30) days the Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the Commission finds the plans

and data do not meet the objectives of these regulations it shall give its reasons therefor.

3. Procedure for Conditional Approval of Preliminary Plat. The procedures for conditional approval of a preliminary plat are as follows:

A. Preparation of Materials. On reaching conclusions informally as recommended in subsection 2 regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in Section 165.08 of this chapter.

B. Copies and Written Application. Five copies of the preliminary plat and supplementary material specified shall be submitted to the Commission with written application for conditional approval at least five days prior to the meeting at which it is to be considered.

C. Commission Conditional Approval. Following review of the preliminary plat and other material submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Commission shall, within thirty (30) days, act thereon as submitted, or modified, and if approved, the Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

D. Location of Copies of Decision. The action of the Commission shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Commission.

4. Limitations. Conditional approval of a preliminary plat shall not constitute approval of the final plat (subdivision plat). Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Commission and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

5. Procedure for Approval of Final Plat. The procedures for approval of a final plat are as follows:

A. Conforming of Final Plat. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

B. Application. Application for approval of the final plat shall be submitted in writing to the Commission at least seven days prior to the meeting at which it is to be considered.

C. Limitations. Five copies of the final plat and other exhibits required for approval shall be prepared as specified in Section 165.08, and shall be submitted to the Commission within twelve months after approval of the preliminary plat; otherwise, such conditional approval shall become null and void unless an extension of time is applied for and granted by the Commission.

D. Final Approval. Within thirty (30) days after application for approval of the final plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix its seal upon the plat together with the certified signature of its Chairperson and Secretary. If it disapproves, it shall state its reasons in its own records and provide the applicant with a copy. After approval of the final plat by the Commission, and the fulfillment of the requirements of these regulations, one copy shall be submitted to the Clerk for approval by the Council.

E. Action of the Council. Upon receipt of the certification by the Clerk, the Council shall, within a reasonable time, either approve or disapprove the final plat.

(1) In the event that the plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

(2) In the event that the plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.

(3) The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of the County where the land to be subdivided is located, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect. However, said resolution shall not be

delivered to the subdivider for recording until such time as the subdivider signs acceptance of the terms of the resolution and provides the required security to the City.

#### **166.06 DESIGN STANDARDS.**

1. Streets. Design standards for streets are as follows:
  - A. Conformity. The arrangement, character, extent, width, grade, and location of all streets shall conform to the general community master plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relations to the proposed uses of the land to be served by such streets.
  - B. Alternatives. Where such is not shown in the general community master plan, the arrangement of streets in a subdivision shall either:
    - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
    - (2) Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing streets impracticable.
  - C. Minor Streets. Minor streets shall be laid out to be used primarily for access to the abutting properties.
  - D. Subdivision Abutments. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  - E. Right-of-way. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
  - F. Controlling Access Strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Commission.

G. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be avoided where possible.

H. Tangents. A tangent at least one hundred feet long shall be introduced between reverse curves on arterial collector streets.

I. Deflecting Streets. When connection street lines deflect from each other at any point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred feet for minor and collector streets, and of such greater radii as the Commission shall determine for special cases.

J. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street at less than sixty (60) degrees.

K. Street Widths. Street right-of-way widths shall be as shown in the general community master plan and where not shown therein shall be not less than sixty-six feet.

L. Half-streets Prohibited. Half-streets are prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

- M. **Dead-end Streets.** Dead-end streets, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the close with a turn-around having an outside roadway diameter of at least eight feet and a street property line diameter of at least one hundred (100) feet.
- N. **Street Names.** No street names shall be used which duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Commission.
- O. **Street Grades.** Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves: maximum six percent on arterial and collector, eight percent on minor. No street grade shall be less than 0.4 percent.
2. **Alleys.** Design standards for alleys are as follows:
- A. **Alleys Provided.** Alleys shall be provided in commercial and industrial districts except that the Commission may waive this requirement where other definite and assured provisions are made for service access such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- B. **Alley Width.** The width of an alley shall be twenty (20) feet.
- C. **Alley Intersections.** Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. **Dead-end Alleys.** Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as determined by the Commission.
3. **Easements.** Design standards for easements are as follows:
- A. **Utility Easements.** Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve feet wide.
- B. **Storm Water Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water assessment or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction or both as will be adequate for

the purpose. Parallel streets or parkways may be required in connection therewith.

4. Blocks. Design standards for blocks are as follows:
  - A. Length, Width and Shape. The length, width and shape of blocks shall be determined with due regard to:
    - (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
    - (2) Zoning requirements as to lot sizes and dimensions;
    - (3) Needs for convenient access, circulation, control and safety of street traffic;
    - (4) Limitations and opportunities of topography.
  - B. Block Length Limitations. Block lengths shall not exceed one thousand eight hundred (1,800) feet or be less than three hundred thirty (330) feet.
  - C. Pedestrian Crosswalks. Pedestrian crosswalks, not less than ten feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
5. Lots. Design standards for lots are as follows:
  - A. Lot Size and Shape. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
  - B. Minimal Standards on Lot Sizes. Lot dimensions shall conform to the requirements of Chapter 165 of this Code of Ordinances, and:
    - (1) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities by the type of use and development contemplated.
  - C. Corner Lots. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
  - D. Lot Access. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
  - E. Double or Reverse Frontage. Double frontage and reverse frontage lots should be avoided.
  - F. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

6. Public Sites and Open Spaces. Where a proposed park, playground, school or other public use shown in a general community master plan is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Commission deems such requirements to be reasonable.

#### **166.07 REQUIRED IMPROVEMENTS.**

1. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the Council.

2. Utility and Street Improvements. Utility and street improvements shall be as follows:

A. Public Water. Water mains shall be installed by the subdivider at the subdivider's expense in accordance with State regulations and stubbed into each lot line with a shut-off valve at the end of the stub. The additional material cost for pipe size and fittings exceeding six inches shall be paid for by the City. Fittings, pipe and hydrants for fire protection use shall be installed to City standards by the subdivider at the subdivider's expense. Installation of all main fittings shall be the responsibility of the subdivider. Construction must be under the supervision of the City Administrator or designee and approved by the Council in writing. Plans for water mains shall be prepared by a licensed engineer and shall be approved by the Council. In place plans must be filed with the City Administrator before final approval is given.

B. Sanitary Sewer. Sanitary sewer mains shall be installed at the subdivider's expense in accordance with City and State regulations and shall be stubbed into each lot at the time of installation of the sewer mains. Sanitary sewer will be installed in the center of the street as near as practical with manholes at each intersection but in no case shall manholes be more than four hundred (400) feet apart. Plans and specifications for sanitary sewer shall be prepared by a licensed engineer and shall be

approved by the Council. All improvements shall be under the supervision of a qualified inspector.

C. Streets. Arterial streets shall be of width as approved by the Council. Collector streets shall be a minimum width of sixty-six (66) feet with a minimum forty-one (41) foot roadway. Minor streets shall be a minimum width of sixty-six (66) feet with a minimum thirty-seven (37) foot roadway.

D. Curb and Gutter. Curb and gutter shall be installed at the subdivider's expense according to plans and specifications prepared by a licensed engineer and approved by the Council.

E. Surfacing.

(1) All streets will be constructed to grade and have controlled drainage through the use of concrete curb and gutter.

(2) All streets shall be hard-surfaced with Asphaltic Cement Concrete Pavement (ACC) or Portland Cement Concrete Pavement (PCC). The Council reserves the right to determine the pavement surface at the Council's discretion. Any street improvement may be waived by a vote of three-fourths of all members of the Council.

(3) Pavement design shall be certified by a Civil Engineer licensed in the State of Iowa and designed to the minimum standards as listed:

MINOR STREETS (37 feet wide)	ACC Pavement Surface	Subbase shall be a minimum of eight inches of crushed stone. Subbase type shall be of adequate design to support traffic on a two and one-half (2½) inch asphaltic concrete surface.
	PCC Pavement Surface	Subgrade of adequate strength to support traffic on a six-inch concrete surface.
MAJOR STREETS (41 feet wide)	ACC Pavement Surface	Subbase shall be a minimum of ten inches of crushed stone. Subbase type shall be of adequate design to support traffic on a three (3) inch asphaltic concrete surface.
	PCC Pavement Surface	Subgrade of adequate strength to support traffic on a six-inch concrete surface. Additional thickness may be required if the street is deemed as an arterial way.

(4) The City will participate in the cost of pavement construction up to the maximum allocated amount, as determined by resolution, and as follows:

MINOR STREET —	ACC Pavement.....	0%
	PCC Pavement	60%
		(up to the maximum allowance)
MAJOR STREET —	ACC Pavement	10%
	PCC Pavement	60%
		(up to the maximum allowance)
An allowance for a 30-inch curb and gutter will be deducted and shall not be eligible for cost-sharing.		

(5) The Council shall determine by resolution the maximum allowance per square yard and the total available revenue for street improvements on an annual basis. Requests for funds shall be handled on a first come, first served basis according to the date of the final plat. Approved requests in excess of allocated amounts will be deferred until such time funds have been allocated for such use and shall have priority over subsequently approved requests.

F. Alleys. Alleys shall be constructed to grade and surfaced full width with three inches of crushed rock at the subdivider’s expense.

G. Storm Sewer. Storm sewer system and other drainage improvements shall be installed at the subdivider’s expense in accordance with plans and specifications prepared by a licensed engineer and approved by the Council. Storm drainage systems shall take into consideration two separate design storms (1) minor storm of ten (10) year recurrence interval to size storm sewer pipes, inlets, street gutters and small swales; (2) major storm of 100 year recurrence interval to analyze flows in excess of the minor system facilities and which are designed to protect against loss of life or serious substantial property damage.

H. Sidewalks. Permanent sidewalks shall be installed in new subdivisions according to Chapter 136 of this Code of Ordinances, but only by resolution and by a favorable vote of three members of the Council.

I. Street Trees. Street trees may be planted in park lines according to City specifications.

J. Standards in Flood Hazard Areas. In a Floodway or Floodway Fringe Overlay District new or replacement water to supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems shall be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.

3. Improvement Inspection. All improvements set out in this section shall be under the supervision of the Director of Public Works.

4. Optional Special Assessments. A subdivider may file a petition with the Council, pursuant to Section 384.41 of the Code of Iowa, requesting that the City enter into an agreement under which special assessments will be levied to pay the cost of any or all of the improvements required under this section. If a petition is approved by the Council, the agreement provided for in the petition will substitute for the requirement in this section that the subdivider provide the improvements which are covered by the agreement. Any agreement will be subject to the following requirements:

A. The Council may agree to include or exclude in a special assessment agreement any of the required improvements named in this section, and may establish standards different from those shown in this section for any of the required improvements which will be specially assessed.

B. The City may not have more than \$300,000 in special assessments outstanding from agreements with subdividers.

C. Special assessments will be levied for a maximum of five (5) years.

D. A subdivider may not have more than \$100,000 in special assessments outstanding at any time.

E. A subdivider may request special assessments against no less than ten (10) and more than thirty (30) lots within a subdivision.

F. If a proposed subdivision contains more than thirty (30) lots, the entire subdivision must be platted, but special assessment financing will be provided for a maximum of thirty (30) lots.

G. A subdivider must agree to waive: (a) the limitation provided in Section 384.62 of the Code of Iowa that an

assessment may not exceed twenty-five percent (25%) of the value of the property assessed and (b) the right to request the deferment of special assessment installments against agricultural property provided in that section.

H. A subdivider must agree that a special assessment against a given lot will be paid in full whenever that lot is sold.

I. In addition to agreeing to be specially assessed, a subdivider must agree to reimburse the City for any costs it incurs in connection with the planning for or construction of the improvements which will be specially assessed, including, but not limited to, design, engineering, legal services, preparation of bidding documents, etc., provided that, at the time a subdivider submits the petition to the Council, the subdivider shall present to the Clerk a certified check, payable to the City, in an amount of five thousand dollars (\$5,000.00) to be held by the Clerk until the Council and the subdivider enter into a contract for construction of improvements. If the subdivider withdraws the petition, the money held as security shall be used to make payment of the costs incurred by the City. If additional funds are needed at the time of petition withdrawal, the subdivider shall pay to the City the balance due. If funds remain after payment of costs incurred, the balance shall be returned to the subdivider. After the contract is duly signed by all parties, the City shall return the certified check to the subdivider.

J. Any requirement of this section may be waived by a vote of three-fourths of all the members of the Council.

**166.08 PLANS AND DATA.** Preapplication plans and data shall be as follows:

1. General. The application shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in subsection 2 of this section. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, and other public areas, proposed covenants, utilities and improvements.

2. Plans. A plan or topographic survey may be presented and show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be freehand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data listed in subsection 3, or such of these data as the Commission determines necessary for its consideration of the proposed sketch plan.

3. Plans and Data for Conditional Approval. The items set out in this subsection are required for a preliminary plat to be considered.

A. Topographic Data. Topographic data required as a basis for the preliminary plat shall include existing conditions as follows except when otherwise specified by the Commission:

- (1) Boundary lines: bearings and distances;
- (2) Easements: location, width and purpose;
- (3) Streets on and adjacent to the tract: name and right-of-way width and location; type, width and elevation of surfacing; and legally established centerline elevations; walks, curbs, gutters, culverts, etc.;
- (4) Utilities on and adjacent to tract location: size and invert elevation of sanitary storm and combined sewer; location and size of water mains; location of gas lines; fire hydrants, electric and telephone poles, and street light; if water mains and sewers are not on or adjacent to the tract, indicate the directions and distance to, and size of nearest ones, showing invert elevation of sewers;
- (5) Ground elevations on the tract, based on a datum plane approved by the Council: for land that slopes less than approximately two percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred feet apart in all directions; for land that slopes more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more

detailed data for preparing plans and construction drawings;

(6) Other conditions on the tract: watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features.

B. Preliminary Plat. The preliminary plat shall be prepared by a licensed engineer at a scale of two hundred feet to one inch (200' = 1") or larger, preferred scale of one hundred feet to one inch (100' = 1"). It shall show all existing conditions required in subsection A above, and shall show proposals including the following:

(1) Streets: names, right-of-way and roadway widths; approximate grades and gradients; similar data for alleys, if any;

(2) Other right-of-way or easements; location, width and purpose;

(3) Location of utilities, if not shown on other exhibits;

(4) Lot lines, lot numbers and block numbers;

(5) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;

(6) Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;

(7) Minimum building setback lines;

(8) Site data, including number of residential lots, typical lot size, and acres in parks, etc.;

(9) Title, scale, north arrow, and date;

(10) A certification by an attorney that the land is free and clear or that the holders of liens and mortgages agree to platting.

C. Other Preliminary Plans. When required by the Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross-sections of the

proposed grading, roadway and sidewalk; and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on a datum plan approved by the Council.

D. Draft of Protective Covenants. The subdivider shall file all proposals to regulate land use in the subdivision and otherwise protect the proposed development.

4. Plans and Data for Final Plat Approval. The items set out in this section are required for final plat approval.

A. Final Plat. The final plat shall be prepared by a licensed engineer on sheets suitable for reproduction twenty-four (24) inches wide by thirty-six (36) inches long and shall be at a scale of one hundred feet to one inch (100' = 1") or larger (preferred scale of fifty feet to one inch [50' = 1"]). Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in continuous sections satisfactory to the Commission. The final plat shall show or be accompanied by the following:

- (1) Primary control points, approved by the Council, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- (2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflections angles, and radii, arcs, and central angles of all curves;
- (3) Name and right-of-way width of each street or other right-of-way;
- (4) Location, dimensions and purposes of any easements;
- (5) Number to identify each lot or site;
- (6) Purpose for which sites, other than residential lots, are dedicated or reserved;
- (7) Minimum building setback line on all lots and other sites;
- (8) Location and description of monuments;
- (9) Names of record owners of adjoining unplatted lands;
- (10) Certification by surveyor or engineer certifying to accuracy of survey and plat;

- (11) Certification of title showing that applicant is the landowner;
  - (12) A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds;
  - (13) Statement by owner dedicating streets, right-of-way and any sites for public uses;
  - (13) Title, scale, north arrow, and date;
  - (14) A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa;
  - (15) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
  - (16) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
  - (17) A cost estimate from the design engineer or construction contracts for all required improvements.
- B. Cross-sections and Profiles. Cross-sections and profiles of streets showing grades approved by the Council are required. The profiles shall be drawn to City standard scales and elevations and shall be based on a datum plan approved by the Council.

C. Certificate by Engineer and Clerk. There shall be a certificate certifying that the subdivider has complied with the following:

(1) A certificate by a professional engineer that all improvements have been designed and installed in accord with the requirements of these regulations and with the action of the Commission giving conditional approval of the preliminary plat; and

(2) A certificate by the Clerk certifying that a bond, certified check or irrevocable letter of credit equal to 100% of the Engineer's estimate of cost or 110% of the total construction contracts has been posted which is available to the City to assure the completion of all required improvements.

D. Protective Covenants in Form for Recording. The protective covenants set out in this section, in form for recording, are required.

(1) Other Data. Such other certificates, affidavits, endorsements, or deductions as may be required by the Commission in the enforcement of these regulations.

(2) Engineer's Assurance in Floodway Fringe Overlay District. If the subdivision is located in a Floodway Fringe Overlay District, an assurance by the engineer that:

(a) The subdivision design is consistent with the need to minimize flood damage;

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;

(c) Adequate drainage is provided so as to reduce exposure to flood hazards;

(d) If the proposal for development is of five acres or fifty lots, whichever is less, include the regulatory flood elevation.

(3) Maintenance Bond. Prior to final approval by the City, the subdivider shall file a maintenance bond equal to 10% of the Engineer's estimate of cost for the project

which guarantees all required improvements for a period of two years after final acceptance of the subdivision by the City.

(4) As-built Drawings. As-built drawings showing the location of all public utilities and service lines are required prior to final acceptance of the subdivision.

**166.09 VIOLATIONS AND PENALTIES.** Whoever, being the owner or agent of the owner of any land located within or adjacent to the City, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of, or by other use of a plat of subdivision of such land before the final plat has been approved by the Commission, shall forfeit and pay the penalty of not more than one hundred dollars (\$100.00) for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties. Each day that a violation is permitted to exist constitutes a separate offense.