

Ordinance Adopted: 5/13/98

**CITY OF TIFFIN IOWA
SUBDIVISION ORDINANCE
NO. 1998-218**

Other Applicable Ordinances:

No. 2006-278 RECOUPMENT FEES

ORD 2012-319 Amending Provisions Relating To Subdivisons

EDITS by Planning and Zoning 2012.

AN ORDINANCE REPEALING ORDINANCE NO. 1996-205, AND ANY AMENDMENTS THERETO, AND ADOPTING THE FOLLOWING ORDINANCE FOR THE CITY OF TIFFIN, IOWA, FOR REGULATING THE SUBDIVISION OF LAND PRESCRIBING STANDARDS FOR SUBDIVISIONS AND FOR THE IMPROVEMENT THEREOF, PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING FEES THEREFOR, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE. THIS ORDINANCE IS IN CONFORMANCE WITH CHAPTER 354 OF THE CODE OF IOWA.

BE IT ENACTED: Ordinance No. 1996-205, and any amendments thereto, are hereby repealed and following is hereby adopted:

ARTICLE I: GENERAL PROVISIONS

1.01 SHORT TITLE

This ordinance shall be known as the "Subdivision Ordinance" of the City of Tiffin, Iowa.

1.02 PURPOSE

The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the general planning of the community and to promote the public health, safety and general welfare of the citizens of the City of Tiffin, Iowa.

1.03 Application

Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into two (2) or more parts, (excepting acquisition plans as defined in Section 2.01.1) for the purpose of laying out an addition, subdivision, building lot, or lots,

acreage or suburban lots within the City or within the area of the Fringe Area Agreement with Johnson County, Iowa, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots herein contained or placing the plat on record. The City of Tiffin is granted the authority to review said proposed subdivisions outside the city limits by Section 354.9 of the Code of Iowa and the Fringe Area Agreement with Johnson, County, Iowa.

1.04 RECORDING OF PLAT

No subdivision plat, or street dedication within the City of Tiffin, Iowa, or within the area of the Fringe Area Agreement shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Upon the approval of the final plat by the City Council, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

1.05 FEES ESTABLISHED

The City Council shall, from time to time establish by resolution, fees for the review of plats. No plat for any subdivision shall be considered filed with the City Clerk, unless and until said plat is accompanied by the fee, as established by resolution of the City Council, and as required by this ordinance.

1.06 PENALTIES

Any person or persons, as owner or agent, who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the City Council, and recorded as required by law, shall forfeit and pay amount set by City Council (currently \$100) to the City for each lot or part of lot sold, disposed of or offered for sale, **the violator will also be subject to a simple misdemeanor or municipal infraction for each lot sold in violation of this provision.** Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this ordinance. These remedies include, but are not limited to, the city's ability to institute an action for injunction, mandamus or other appropriate action or proceeding to prevent any pending disposal or offer of sale, or to prevent any further disposal or offer to sale in violation of this ordinance.

Amended by 2012-319

1.07 BUILDING PERMIT TO BE DENIED

No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by the ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been accepted by the City or other provision have been made in writing with the City regarding the completion of improvements.

As a condition of the issuance of building permits, sidewalks will be required to be constructed in every subdivision within the city limits within one year after the construction of a building on said premises or within five years following the approval of the final plat for the subdivision if construction has occurred in more than fifty percent of the lots within the subdivision. **Before any building is inhabited all**

~~sidewalks must be installed. In all cases, sidewalks must be installed on all lots within a subdivision within five (5) years of the final plat approval. Before any occupancy of the subdivided property must install all sidewalks prior to occupancy.~~

ARTICLE II: DEFINITIONS

2.01 TERMS DEFINED

For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "Aliquot part" means a fractional part of a section within the United States public land survey system. 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.
3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
4. "Auditor's plat" means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
6. "City engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.
7. "Community Development Plan" means the general plan for the development of the community, that may be titled master plan, land use plan, or some other title, which plan has been adopted by the City Council. Such "Community Development Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
8. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
9. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.
- 9A. "Design Standards" means the City of Tiffin, Iowa Design Standards as adopted by Resolution No.1997-21 and as may be from time-to-time amended thereafter by action of the City Council.
10. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
11. "Easement" means an authorization by a property owner for another to use a

designated part of his property for a specified purpose.

12. "Flood hazard area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa National Resources Council or the Federal Insurance Administration.
13. "Flood Plain Management Ordinance" means an ordinance regulating the development of all property located within a flood plain as shown on the FEMA flood plain map for the City of Tiffin. **The Tiffin Flood Plain Management Ordinance is Ordinance No. 1994-185.** No provision of this Ordinance shall vary the terms and conditions of the Flood Plain Management Ordinance.
14. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
15. "Forty-acre aliquot part" means one-quarter of one-quarter of a section.
16. "Fringe Area Agreement" refers to the Fringe Area Agreement entered into between the City of Tiffin and Johnson County in 1997 regarding zoning and subdivision issues in the area around the City of Tiffin as defined in that Agreement. All applications referring the Applicant to the City of Tiffin shall follow the terms and provisions of this Ordinance and of the Zoning Ordinance unless the Fringe Area Agreement specifically provides otherwise.
17. "Government lot" means a tract, within a section, that is normally described by a lot

number as represented and identified on the township plat of the United States public land survey system.

18. "Improvements" mean changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainageways, and other public works and appurtenances.
19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.
20. "Lot, Corner": means a lot situated at the intersection of two streets.
21. "Lot, Double Frontage" means any lot that is not a corner lot that abuts two streets.
22. "Metes and bounds description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
23. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the recorder, auditor, and assessor.
24. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
25. "Parcel" means a part of a tract of land.
26. "Permanent real estate index number" means a unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.

Amended by 2012-319

27. "Planning and Zoning Commission" means the appointed commission designated by the City Council for the purpose of this ordinance, and may also be the zoning commission, in which case such commission shall be known as the Planning and Zoning Commission.
28. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that he or she submits for approval and intends, in final form, to record.
29. "Plats Officer" means the individual assigned the duty to administer this ordinance by the City Council or other appointing authority.
30. "Plat of survey" means the graphical representation of survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
31. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
32. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
33. "Street, Arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

34. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
35. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
36. "Subdivision" means the division of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to the process of subdividing or to land subdivided.
37. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
38. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to chapter 114 of the Code of Iowa.
39. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.
40. "Utilities" means the systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

Amended by 2012-319

3.02 INSPECTION

All improvements shall be inspected to insure compliance with the requirements of this ordinance by the City of Tiffin. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

Amended by 2012-319

3.03 MINIMUM IMPROVEMENTS

The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

All of the minimum improvements mandated by this section shall be designed and constructed in accordance with the requirements of this ordinance, the Tiffin Design Standards, and the minimum requirements of all applicable state or federal regulatory agencies or departments.

The subdivider must provide evidence of any and all construction permits, highway or road easements and access, or other appropriate documentation from state or federal regulatory agencies prior to approval of the final plat. Easements from all utility companies with approval by fire chief will also be required.

It is required that in all new residential and commercial subdivisions all on-site utility lines, including but not limited to electric, communications, street lighting, and gas lines shall be installed underground except as hereinafter provided. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above ground.

The City reserves the right to request changes to a proposed subdivision that may exceed the municipal capacities for streets, sewer, water, or other services. **In the event the city requires a system which is greater than is needed to service the subdivision itself, the city shall pay on a prorata basis for the excess cost over that which is necessary to service the subdivision itself. Other subdivisions which connect with the systems shall on a prorata basis reimburse the city for the cost of the additional system, which shall service that subdivision and meet all city specifications. The systems shall extend to the subdivision boundaries as necessary to provide for future extension of the sewers by adjacent property.**

A) Streets in General. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets.

1) Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. **In such event, the city shall pay on a prorata basis for the excess cost over that which is necessary to service the subdivision itself . Other subdivisions which connect with the systems shall on a prorata basis reimburse the city for the cost of the additional system, which shall service that subdivision and meet all city specifications.** The streets shall, upon final approval and acceptance by the City, become the property of the City. The street shall be constructed in compliance with the City of Tiffin, Iowa Design Standards.

B) Sanitary Sewer System in General. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewer. The City's role in reviewing the plans is to determine the sanitary sewer's placement, size, and route. The Sanitary Sewer System shall be constructed in compliance with the City of Tiffin, Iowa Design Standards.

1) Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, **the city shall pay on a prorata basis for the excess cost over that which is necessary to service the subdivision itself . Other subdivisions which connect with the systems shall on a prorata basis reimburse the city for the cost of the additional system, which shall service that subdivision and meet all city specifications.**

2) The City's inability to efficiently collect or treat waste water may be grounds for rejection of a proposed subdivision. A proportional fee may be requested by the City, from the subdivider, to pay for the necessary upgrades in the sewer system.

- 3) The sewer system improvements shall, upon inspection, approval and acceptance by the City, become the property of the City.
 - 4) The subdivider must provide evidence of construction permits from the Iowa Department of Natural Resources and other applicable state and federal agencies prior to approval of the final plat.
- C) Storm Sewer System: The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The Storm Sewer System shall be constructed in compliance with the City of Tiffin, Iowa Design Standards.
- 1) The storm water drainage system shall be separated and independent of any sanitary sewer system. The acceptable standard for sizing storm sewers is to be a five-year, 24 hour storm event or as specified under current design standards.
 - 2) Under some circumstances the City may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the City storm sewer system as it relates to both the area being platted and other areas. In such event, the city shall pay on a prorata basis for the excess cost over that which is necessary to service the subdivision itself. Other subdivisions which connect with the systems shall on a prorata basis reimburse the city for the cost of the additional system, which shall service that subdivision and meet all city specifications.
 - 3) Storm sewer facilities shall be located in the road right-of-way where feasible, or in the perpetual

unobstructed easements of appropriate width.

- 4) In the storm sewer design phase, the subdivider shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. The subdivider's drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the City Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
- 5) The subdivider must document that adequate storm water detention is included in the storm sewer design. This may require work outside of the proposed subdivision's boundaries which is the sole responsibility of the subdivider. The City may require this work to be undertaken to protect surrounding properties as a condition for approval of the subdivision.
- 6) The storm sewers shall, upon inspection, approval and acceptance by the City, become the property of the city. However, the city may not own any detention basin or other storage facility and may require written provisions for the maintenance of the facility.

Amended by 2006-279

- D) Water Main System in General:

- 1) The subdivider shall install adequate water facilities, and fire hydrants which shall be subject to City specifications and shall be subject to review and approval by the Tiffin Fire Chief. The location of all fire hydrants shall be shown on the preliminary plat.
- 2) All Iowa Department of Natural Resources and any other applicable state or federal agencies permits must be secured prior to approval of the final plat.

**amended by 2000-240

- 3) Refer to the City of Tiffin, Iowa Design Standards
 - 4) The City's inability to generate, treat, or distribute water may be grounds for rejection of a proposed subdivision. A proportional fee may be requested by the City, from the subdivider, to pay for the necessary upgrades in the water system.
 - 5) The water supply improvements shall, upon inspection, approval, and acceptance by the City, become the property of the City.
- E) Other Improvements: The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within the street area; the installation of erosion control measures, and the installation of street lighting. All such improvements shall be subject to approval by the City Engineer and City of Tiffin. All improvements addressed in the City of Tiffin, Iowa Design Standards shall be constructed in compliance with the provisions of the Design Standards.

F) **Clustered Mailboxes**

- 1) All new residential or commercial developments platted after (the effective date of these regulations) that receive curbside delivery of mail shall have clustered mailboxes, unless an exception is approved by the United States Postal Service. The location of mailbox clusters shall be noted on the plat.
- 2) Mailbox clusters serving residential developments shall be conveniently located for residents. To that end, mailbox clusters should be located within one block or approximately 600 feet walking distance whichever is less) from any residential property served by said mailbox cluster. Adjustments to this distance criteria may be approved when there are not enough lots within one block or 600 feet to form a cluster. Mailboxes should be located in a manner that provides safe access for residents, e.g. does not require residents to cross heavily trafficked streets, etc. Driveways shall be allowed no closer than 12 feet from the location of a clustered mailbox as measured along the curb line of the fronting street. Mailboxes must be located in a manner that will not violate the City's intersection visibility standards. Locations and design must be approved by the City and the United States Postal Service. Depending on the size and location of the clustered mailbox, the City may require a vehicular pull-over lane built to City specifications.
- 3) Mailbox clusters shall be located on a concrete pad built to City specifications. To provide for pedestrian access, a 5-foot-wide concrete sidewalk shall be provided from the mailbox cluster to the adjacent public street and sidewalk. An accessible route shall be provided according to ADA Standards for Accessible Design. The cost of installation, including but not limited to box units and concrete pad and sidewalk access shall be borne by the developer, and subsequent maintenance shall be carried out by the United States Postal Service.

G) UTILITIES

1. The subdivider shall provide installation of electric distribution lines, street gas mains, telephone lines and other facilities in any new subdivision as are needed, before final approval shall be given to the final plat. The subdivider shall be responsible for making the necessary monetary arrangements to provide for such utilities as are needed and, in addition, shall provide for underground facilities in residential subdivisions and commercial subdivisions with each utility company. In providing for said utility transmission lines, the subdivider shall make sure that adequate connections are provided to each subdivision lot of utilities as needed.
2. The subdivider shall also submit the proposed street lighting placements for city council approval. Upon receiving the submission, along with the final plat and construction plans, the city council shall cause the same to be reviewed by the city engineer. The city engineer shall determine the appropriate location for the street lights in the subdivision. In all new subdivisions, decorative street lights shall be selected by the subdivider, from an approved list provided by the city. All costs in connection with the furnishing of street lighting placements, the decorative poles, light fixtures and related parts, in new subdivisions, shall be the responsibility of the subdivider.
3. The subdivider shall provide all necessary easements in the subdivision for placement of all utilities including street lights, and will submit to the city at the time the final subdivider's agreements is presented, all proposed easements for use in the subdivision.
4. As a condition of the approval of the final plat by the city, the preliminary and final

subdivision plat shall be presented to the designated representatives of the utility companies serving this subdivision area for the purpose of review and concurrence that sufficient easements have been obtained and shown on the final plat to accommodate placement of their particular utility service lines.

5. All proposed utility line locations in public rights-of-way or municipal easement shall be reviewed by the city for the purpose of avoiding location, topographic, or other conflicts. In no case shall the permanent utility lines or appurtenances be constructed prior to authorization and approval of the final plat by the city.

H) Underground public utility facilities

1. It is required that in all new residential and commercial subdivisions all on-site utility lines, including but not limited to electric, communications, street lighting, and gas lines shall be installed underground except as hereinafter provided. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above ground.
2. Underground facilities need not be installed in the following instances:
 - a. Any increase of service size including single phase to three-phase conversion;
 - b. For any new service when utility poles exist along abutting property lines which are not separated by an alley or public right-of-way and no additional utility poles are required;
 - c. Installation, of new or replacement feeder lines or transmission lines located within the city's subdivision jurisdiction.

Amended by 2012-319

3.04. EASEMENTS REQUIRED

- A) Public Utilities: The flexible placement of easements for public utilities shall be allowed, however, such placement shall be subject to the review of the City of Tiffin as well as all applicable utility companies prior to approval of the final plat. All utilities to serve each lot shall be placed in a common easement. Said easements shall be at least ten (10) feet in width. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.
- B) Easements Along Streams and Watercourses: Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement equal to the floodway along said stream or watercourse to ensure the proper maintenance of the watercourse, as approved by the City.

Amended by 2012-319

3.05 MAINTENANCE BOND REQUIRED

The owner and subdivider of the land being platted shall be required to provide to the City, proper maintenance bonds satisfactory to the City, so as to insure that for a period of ten (10) years from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair. **The City may, at its sole discretion, accept alternative sureties to maintenance bonds to insure the workmanship of the improvements accepted by the City.** A performance bond will also be required per Section 5.12.

**ARTICLE IV:
MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS**

Amended by 2012-319

4.01 STANDARDS PRESCRIBED

The standards set forth in this ordinance and those contained in ~~the~~ **SUDAS as adopted by the City of Tiffin** shall be considered the minimum standards necessary to protect the public health, safety, and general welfare. These standards should also be considered in accordance with the requirements of applicable state and federal agencies. In the event that the City's minimum standards should conflict with applicable state and federal requirements, the state and federal requirements shall prevail.

4.02 LAND SUITABILITY

No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City.

If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the City Council shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the City Council may reaffirm, modify

or withdraw its determination regarding such unsuitability.

4.03 LANDS SUBJECT TO FLOODING

No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City unless it is demonstrated that the subdivision complies with all requirements of the Tiffin Flood Plain Management Ordinance. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area, not within the floodway or flood hazard area, suitable for development as allowed by the zone in which the lot is located. Those areas subject to flooding shall be determined by the U.S. Federal Emergency Management Agency (FEMA) flood plain map for the City of Tiffin.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City.

- A) Included within individual lots in the subdivision, subject to the limitations of this section.
- B) Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.
- C) If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

4.04 PLAT TO CONFORM TO COMMUNITY DEVELOPMENT PLAN

The arrangement, character, extent, width, grade and location of all streets shall conform to the technical specifications for such streets as approved by the City Council. The general nature

and extent of the lots and uses proposed shall conform to the Community Development Plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

Amended by 2012-319

4.05 CONSTRUCTION STANDARDS FOR IMPROVEMENTS:

In addition to the Standards set forth in this ordinance the subdivider shall be governed by the SUDAS as adopted by the City of Tiffin. The Design Standards shall have such force and effect as if they were fully set forth herein.

Amended by 2012-319

4.06 STREET STANDARDS

The City of Tiffin, Iowa Design Standards shall govern all standards for the construction of streets, driveways, and sidewalks as provided therein unless specifically contradicted by the terms of the Subdivision Ordinance.

A) General: The following standards shall apply to all streets to be located within the subdivision:

- 1) Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Community Development Plan or the Street Plan, the plat shall provide for such street.
- 2) Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.

- 3) Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
- 4) Street right-of-way widths and pavement widths shall be as specified in the technical standards for public improvements.
- 5) Half-streets are prohibited, except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required.
- 6) Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.
- 7) Street jogs with centerline offsets of less than (125) one hundred twenty five feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.
- 8) Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.
- 9) At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
- 10) Deadend streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.

- 11) Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs are discouraged unless there are no other feasible alternatives available.
- 12) In general, alleys shall not be permitted in residential areas and shall be required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred (100) feet.
- 13) When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and adequate utility connections. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the City Council, be made a requirement of the plat.
- 14) Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the City Council.
- 15) Private streets shall be prohibited. The City Council may approve a waiver to this rule where unusual conditions such as a PAD, make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

B) Railroads and Limited Access Highways: Railroad right-of-ways and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- 1) In all districts a buffer strip at least fifty (50) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way. A buffer strip at least twenty (20) feet in depth in addition to the normal depth of the limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."
- 2) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least two-hundred twenty five (225) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4.07 BLOCK AND LOT STANDARDS

The following standards shall apply to the layout of blocks and lots in all subdivisions:

- A) No residential block shall be longer than thirteen hundred (1,300) feet or shorter than three hundred (300) feet measured from street line to street line. The width of

blocks should be arranged so as to allow two tiers of lots, with utility easement.

- B) In blocks over seven hundred (700) feet in length, the City Council may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.
- C) The size and shape of lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.
- D) Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- E) All lots shall comply with all requirements of the zoning ordinance applicable to the zone in which the lot is located.
- F) All lots shall abut a public street or an approved private street.
- G) Unless unavoidable, lots shall not front, or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- H) All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the City Council, a waiver of this provision will provide a better street and lot layout.
- I) Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on minor streets.

Amended by 2012-319

4.08 NEIGHBORHOOD OPEN SPACE REQUIREMENTS

The neighborhood open space requirements ensure that adequate usable neighborhood open space, parks and recreation facilities are provided in a manner that is consistent with the neighborhood open space plan, as amended, by using a calculable method to equitably apportion the costs of acquiring and developing land for those purposes. The provisions of this article require development, which creates increased needs for neighborhood open space ("open space impact"), to pay a proportionate share of the City's capital improvements to fulfill said open space impact. Usable neighborhood open space includes pedestrian-bicycle trails, preferably located within natural greenway systems, and neighborhood parks that serve nearby residents. Portions of larger community parks may be adapted for neighborhood use, but this article is not intended to fund the acquisition of community parks or large playing fields for organized sports. This article is also intended to encourage, wherever reasonably feasible, the dedication of sensitive areas in conjunction with usable open space.

A) APPLICABILITY: As a condition of approval for residential subdivisions, commercial subdivisions containing residential uses, and planned developments, the applicant will dedicate land, pay a fee in lieu of land, or a combination thereof, for park, greenway, recreational and open space purposes, as determined by the City and in accordance with the provisions of this article.

B) DEDICATION OF LAND:

1) Amount Of Land To Be Dedicated: The amount of land will be determined by first calculating the entire size of the of the land area of the proposed development as shown on the preliminary

plat or site plan and then to require dedication or reservation of five percent (5%) of this amount for parks and open space.

2) Nature Of Land To Be Dedicated: Except as otherwise required by the City, all dedications of land will meet the following criteria:

a) Usability: At least ninety percent (90%) of the land required to be dedicated must be located outside of floodways, lakes or other water bodies, areas with slopes greater than fifteen percent (15%), wetlands subject to federal or state regulatory jurisdiction and other areas the City reasonably deems unsuitable for neighborhood open space due to topography, flooding or other appropriate considerations. The City may accept the dedication of natural land that includes lakes, ponds, creeks, other water bodies, wetlands falling under the jurisdiction of state or federal agencies and other sensitive areas including woodland areas, both as ten percent (10%) of, or in addition to the dedicated land required by this article, if sufficient abutting land is dedicated as a usable, public recreation area or park.

b) Unity: The dedicated land must form a single parcel of land, except where the City determines that two or more parcels or greenways-trails would best serve the public interest, given the type and distribution of neighborhood open space needed to adequately serve the proposed development. If the City

determines that two (2) or more parcels would best serve the public interest, the City may require that such parcels be connected by a dedicated strip of land at least 20 feet wide in order to provide access and continuity between said parcels.

- c) Location: The dedicated land must be located so as to reasonably serve the recreation and open space needs of the residents of the subdivision or planned development.
- d) Shape: If a sufficient amount of land is dedicated to accommodate recreational facilities and activities, such as fields, courts or playground equipment, the shape of the dedicated land must be suitable for such facilities and activities. Linear open space should be of sufficient width to accommodate trails and adjacent greenways.
- e) Access:
 - i. Greenways and Trails: Public access to greenways and trails must be provided by a public access easement at least 20 feet in width. In addition, greenways and trails must be connected to existing or proposed greenways and trails on adjacent property.
 - ii. Parks: Public access to the dedicated land to be used for parks must be provided either by adjoining public street frontage or by a dedicated public access easement at least 50 feet in

width, which connects the dedicated land to a public street or right of way. The grades adjacent to existing and proposed streets must permit reasonable access to the dedicated land. The parcel must be safely accessible to pedestrian traffic.

f) Responsibility For Site Preparation:

- i. The City may require the subdivider or developer to grade and seed those portions of the dedicated land to be improved prior to dedication of the property and prior to the City's acceptance of the dedication.
- ii. Where the dedicated land is located adjacent to a street, the subdivider or developer will remain responsible for the installation of utilities, sidewalks and other improvements required along that street segment.
- iii. Prior to dedication, the subdivider or developer will be responsible for restoring satisfactory ground cover and controlling erosion on land to be dedicated that has been disrupted as a result of development activities by the subdivider or developer.

3) Procedure For Dedication Of Land:

- a) The dedication of must be reviewed as part of the preliminary subdivision plat or preliminary planned development plan, whichever is applicable. The subdivider or developer must designate the area or areas of land to be dedicated pursuant to

this article on the preliminary subdivision plat or planned development plan. Where wetlands have been delineated on the property, the preliminary subdivision plat or planned development plan must also identify the boundaries of such wetlands.

- b) Upon receipt of the preliminary subdivision plat, all reviews will be done by Planning and Zoning according to Planning and Zoning procedures.

C) PAYMENT OF FEES IN LIEU OF LAND DEDICATION

- 1) General: The payment of fees in lieu of dedication of land may occur at the request of the subdivider or developer with approval by the City, or may be required by the City. The payment of fees in lieu of land dedication must be reviewed and approved as part of the preliminary subdivision plat or preliminary planned development.
- 2) Request By Subdivider Or Developer:
 - a) If a payment in lieu of open space is requested, the subdivider or developer must include such request in a letter submitted with the application for a preliminary subdivision or preliminary planned development, whichever is applicable.
 - b) The City Clerk will forward a copy of the preliminary subdivision plat or preliminary planned development, along with a copy of the letter requesting payment of fees in lieu of land dedication to the planning and zoning commission.
 - c) The planning and zoning commission will consider the request for

payment of fees in lieu of land dedication during the subdivision or planned development review process and forward its recommendations to the City council.

- 3) Determination Of Fees In Lieu Of Dedication Criteria: The City may, at its discretion, require the payment of fees in lieu of the subdivider dedicating land, if the City finds that all or part of the land required for dedication is not suitable for public recreation and open space purposes, or upon a finding that the recreational needs of the proposed subdivision can be met by other park, greenway, or recreational facilities planned or constructed by the City within reasonable proximity to the subdivision. The City will consider the following factors in making its determination:
- a) Recreational and open space elements of the City comprehensive plan, as amended, and the relation of the subdivision to the proposed open space and recreational areas;
 - b) Topographic and geologic conditions of the land available for dedication;
 - c) Size, shape, location of and access to the land available for dedication;
 - d) The character and recreational needs of the neighborhood where the subdivision is located;
 - e) The costs of developing open space and recreational areas in the subdivision;
 - f) The actual or potential development of open space and recreational areas on land adjacent to the subdivision which will serve the needs of the subdivision;

- g) Recommendations of staff, the parks and recreation commission and the planning and zoning commission; and
 - h) Any other relevant information.
- 4) Time Of Payment: Fees in lieu of dedication must be paid in full by the subdivider or developer prior to the issuance of the first building permit for a lot in the subdivision or planned development.
- 5) Amount Of Payment: The cash value of said land will be determined by taking the total purchase price or cost of all the land in the proposed subdivision and charge the owner the proportionate value of the land area so designated; based upon such purchase price or cost; provided such purchase price or cost is the current fair and reasonable value of the land. If such purchase price or cost does not reflect the current fair value of the land, the fair value of said land must be determined by an impartial appraisal, and in such manner as may be designated by the City Council, cost for said appraisal to be shared equally between the subdivider and the City.

D) REQUIRING BOTH DEDICATION OF LAND AND PAYMENT OF FEE:

The City may, at its discretion, require a subdivider or a developer of a planned development to dedicate a portion of the land required under the formula set forth in this article, and also to pay a fee in lieu of dedication for the remaining portion of the land by said formula. The fee for the remaining portion will be determined by a qualified real estate appraiser who is acceptable to both the City and subdivider or developer. The City and subdivider or

developer will equally share the appraisal costs.

E) USE OF FUNDS:

- 1) All funds so levied, assessed and collected by the City will be deposited in a special fund to be known as the "Special Fund for the Acquisition and Development of Public Service Areas, Open Space and Recreational Facilities", and that said funds so levied and collected must be used for such purposes at such places and in such a manner as will be approved, ordered and directed by the City Council or its designation. Any interest accumulated upon such funds must be added to the "Special Fund" and be used only for acquisition and developments of open space and recreational facilities.

4.09 PARKS AND SCHOOL SITES RESERVED

When a tract being subdivided includes lands proposed to be parks or school sites in the Community Development Plan or other official plan of the City, the subdivider shall indicate such areas on the plat.

- A) Proposed park sites shall be reserved for three (3) years, giving the City or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park site not be purchased within

three (3) years, the subdivider may then amend the final plat.

- B) Proposed school sites shall be reserved for three (3) years, giving the appropriate school district the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the school district. Should the school sites not be purchased within three (3) years, the subdivider may then amend the final plat.

Amended by 2012-319

4.10 NONRESIDENTIAL SUBDIVISIONS

The following provisions shall apply to nonresidential subdivisions:

- A) General. If a proposed subdivision includes land that is used for commercial or industrial purpose, the layout of the subdivision with respect to such land may be subject to additional provisions as the City Council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City Council, and shall conform to the proposed land use and standards established in City plans and regulations. Sidewalks and landscaping plans must be submitted for approval.
- B) Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The

following principles and standards shall be observed:

- 1) Proposed industrial or commercial parcels shall comply with the zoning ordinance.
- 2) Street rights-of-way width and pavement thickness shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- 3) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- 4) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- 5) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

**ARTICLE V:
PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS**

Amended by 2012-319

5.01 PRE-APPLICATION CONFERENCE

Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the City Administrator. The conference should be attended by the City Administrator, P& Z Chair, and such other City or Utility representatives as is deemed desirable; and by the owner and his engineer or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems related to the proposed subdivision.

5.02 SKETCH PLAN REQUIRED

For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

Amended by 2012-319

5.03 PRESENTATION TO PLANNING AND ZONING COMMISSION

The subdivider may present the sketch plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

5.04 SUBDIVISION CLASSIFIED

Any proposed subdivision shall be classified as a minor subdivision or a major subdivision, and according to the provisions of the Fringe Area Agreement with Johnson County where applicable.

A) Minor Subdivision:

Any subdivision that contains not more than three (3) lots fronting on an existing street or private drive and that does not require state permit approval for construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.

B) Major Subdivision:

Any subdivision that, in the opinion of the City Council, does not for any reason meet

the definition of a minor subdivision, shall be classified as a major subdivision.

5.05 PLATS REQUIRED

In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the city, plats and other information as required by this ordinance. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision may elect to combine the requirements of the preliminary and final plats into a single document.

Amended by 2012-319

5.06 REQUIREMENTS OF THE PRELIMINARY PLAT

The subdivider shall prepare and file with the City Clerk twenty (20) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

- A) Title, scale, north point and date.
- B) Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county.
- C) The name and address of the owner and the name, address and profession of the person preparing the plan.
- D) A key map showing the general location of the proposed subdivision in relation to surrounding development.

- E) The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- F) The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
- G) Existing and proposed zoning of the proposed subdivision and adjoining property and identification of Fringe Area designations where relevant.
- H) Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
- I) Identification of any flood plain areas and 100 foot year flood elevation, and the flood plain alpha-numeric designation within the subdivision.
- J) The legal description of the area being platted.
- K) The boundary of the area being platted, shown as a dark line with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
- L) The layout, numbers and approximate dimensions of proposed lots. Any proposed landscaping minimums should be included.

- M) The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.
- N) The proposed names for all streets in the area being platted.
- O) Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, cable utilities, telephone utilities and other facilities, and their connections to existing utilities.
- P) Proposed easements, showing locations, widths, purposes and limitations.
- Q) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the Community Development Plan or other adopted plans.
- R) A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
- S) Any other pertinent information, as necessary.
- T) The fee, as required by this ordinance.
- U) All initial developments (phase one) and all future planned developments within the area (phase two, phase three, etc.). Failure to completely identify all proposed developments in the subdivision area will be grounds for rejecting the plat.

5.07 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS

- A) The City Clerk, upon receipt of twenty (20) copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and

shall forward the remaining copies of the plat as provided herein.

- B) The City Clerk shall provide copies of the plat to the City Engineer, to the City Attorney, and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Planning and Zoning Commission.
- C) The Planning and Zoning Commission shall examine the plat and the reports of the City Engineer and City Attorney, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the City, and conforms to the Community Development Plan and other duly adopted plans of the City. The Planning and Zoning Commission shall, within forty-five (45) days of the filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the City Council. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the subdivider.

****Amended by 2001-250↓**

- D) The City Council shall examine the plat, the reports of the City Engineer and City Attorney, the report of the Planning and Zoning Commission, and such other information as it deems necessary or desirable. Upon such examination, the City Council shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the Community Development Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City; in order to protect the public health, safety, and welfare. Following such examination, the City Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the City Council is to disapprove the plat, or to

approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the City Council, and such decisions shall be provided to the subdivider. Action on the preliminary plat by the City Council shall be taken within sixty (60) days of the filing of the plat with the City Clerk.

5.08 DURATION OF APPROVAL OF PRELIMINARY PLAT

The approval of a preliminary plat by the City Council shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the City Council.

5.09 AUTHORIZATION TO INSTALL IMPROVEMENTS

The approval of the preliminary plat shall constitute authorization by the City Council for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvement have been submitted to, and approved in writing by, the City Engineer and all necessary permits have been issued from the appropriate State and Federal agencies (e.g., IDNR and IDOT).

5.10 TRANSFER OF LOTS WITHOUT CONSTRUCTING IMPROVEMENTS

In the event the subdivider, its assigns or successors in interest, should transfer lots in a subdivision without having constructed or installed the pavement, watermains, sanitary sewer, storm sewers, sidewalks, or other public improvements, the city shall have the right to

install and construct such improvements and the costs of such improvements shall be lien and charge against all the lots adjacent to or in front of which the improvements are made and lots which may be assessed for improvements under the provisions of Chapter 384 of the Code of Iowa. The cost of such improvements need not meet the requirements of notice, benefit or value as provided by state law for assessing such improvements. In addition, the requirement to construct such improvements is, and shall remain, a lien on all property located within the subdivision until properly released by the city.

5.11 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS

Before the City Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other city requirements, and the agreements between the subdivider and the City.

5.12 PERFORMANCE BOND PERMITTED

In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond satisfactory to the City, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

Amended by 2012-319

5.13 REQUIREMENT OF THE FINAL PLAT

The subdivider shall, within one (1) year from the date of approval of the preliminary plat,

unless such time period has been extended, prepare and file with the City Clerk, twenty (20) copies of the final plat and required attachments, as set forth in this ordinance. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the City Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. Copies of the Final Plat shall be distributed to the City Engineer and the City Attorney for their review, and upon completion of same, the City Engineer and City Attorney shall report the findings of their review to the City Council for its consideration regarding acceptance of the Final Plat by resolution. All resolutions approving final plats shall be recorded by the subdivider, with copies of the recorded documents to be provided to the City Attorney.

The City Administrator, City planner, city attorney and city engineer shall examine the reports and assure compliance with the requirements of this title and shall submit a written report, with recommendations, to the planning and zoning commission, by delivering the same to the city clerk. The city clerk is directed not to submit any application to the planning and zoning commission unless the application is timely filed. The planning and zoning commission may, upon good cause being shown, waive this requirement. Any waiver shall be allowed only upon the two-thirds vote of all members of the commission, and the record shall state the reasons for the waiver. The planning and zoning commission shall study the application, location map and site plan and shall review the recommendations of the city attorney and city engineer and shall make recommendation to the city council regarding the approval or disapproval of the application. The commission shall make its recommendation to the city council within sixty days after the final plat has been filed with the city clerk, unless an extension of time has been approved by a majority of the commission members. Extensions of time may be

permitted in order to finalize and bring the final plat into compliance with this chapter and the recommendations of the commission.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8-1/2" x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and shall show the following:

- A) The name of the subdivision.
- B) Name and address of the owner and subdivider.
- C) Scale, and a graphic bar scale, north arrow and date on each sheet.
- D) All monuments to be of record, as required by Chapter 355, Code of Iowa.
- E) Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
- F) All distance, bearing, curve, and other survey data, as required by Chapter 355, Code of Iowa.
- G) All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of the subdivision shall be shown. If the subdivision platted is part of a previously recorded subdivision, sufficient ties shall be shown

to controlling lines appearing on the earlier plat to permit an overlay to be made.

- H) Street names and clear designation of public alleys.
- I) Block and lot numbers.
- J) Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- K) The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- L) All interior excepted parcels, clearly indicated and labeled, "not a part of this plat."
- M) A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the City Council.
- N) The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:15,000 for any individual lot.
- O) A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

- P) Certification by the local public utility companies that the location of utility easements are properly placed for the installation of utilities.
- Q) Certification of dedication of streets and other public property and perpetual easements for the installation, operation, and maintenance of utilities.
- R) Contain a signature block for the signature of the Mayor certifying the City Council's approval of the plat.
- S) Show any provisions provided by the Code of Iowa.
- T) Show appropriate date of IDNR & city approval of flood plain permits when specific lots within the subdivision are proposed for development within the one-hundred year flood plain boundary.
- U) The final plat should also have the following accompanying instruments:
 - i. **An opinion by an attorney** at law who has examined the Abstract of Title for the land being platted, stating the names of the proprietors and holders of mortgages, liens, or other encumbrances, along with any bonds securing the encumbrances.
 - ii. **A statement from the mortgage holders or lienholders**, if any, that the plat is prepared with their free consent and in accordance with their desire, signed, and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond in an amount double of the amount encumbrance and approved by the recorder and clerk of district court and which runs to the county for the benefit of purchasers of lots within the plat may be recorded in lieu of the consent of mortgagee or lienholder.

When a mortgagee or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City Council or dedicated to the public.

- iii. **A certificate of the 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 a bond double in the amount of the lien and approved by the recorder and clerk of district court and which runs to the County for the benefit of purchasers of lots within the plat and filed with the recorder.
- iv. **A statement by the proprietors and their spouses**, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors shall also include a dedication to the public of all lands within the plat which are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the City Council.
- v. **A petition signed by the owner and his or her spouse** petitioning the City Council to pave any streets abutting such subdivision which petition waives notice of time and place of hearing and waives statutory protections and limitations as to the cost and assessment of improvements.
- vi. **A certificate from the county auditor** that the name or title of the subdivision plat is approved by the county auditor.

against the property without meeting the requirements of notice, benefit or value required by State law for assessing improvements.

- b. The subdivider's agreement shall state that subdivider, including its grantees, assignees and successors in interest, agrees that public services, including but not limited to street maintenance, snow and ice removal and solid waste collection, will not be extended to such subdivision until the pavement is completed and accepted by the City Council by resolution.
- c. The subdivider's agreement shall state: "Plat notes and surveyor's notes on plats serve to provide notice of how a subdivision is expected to develop. Said notes are not intended to create any vested private interest in any stated use restriction or covenant, or create any third party beneficiaries to any noted use restriction or covenant. The City reserves the right, in its sole discretion, subject to any applicable public notice and approval process required by law, to alter or amend any plat note, or to sell or vacate any right-of-way, street, alley, park, easement, open area or other land set apart and dedicated for public use within the plat. The City further reserves the right, upon request of the owner or successor in interest, to vacate the plat and/or relocate any easement, alter lot boundaries or allow said land to be replatted subject to any applicable public notice and approval process required by law."
- d. The subdivider's agreement may include other conditions peculiar to the subdivision as allowed by law.

Amended by 2012-319

5.14 Review; Approval or Disapproval

- A. Upon the filing of the final plat as set forth above, the City Clerk shall submit 11 copies of the final plat and the application to the Department of Planning and Community Development.
- B. The Department of Planning and Community Development shall distribute said copies to the appropriate City Departments for review as designated by the City Administrator;
- C. Said designee(s) shall examine the application, the plat, the construction plans, and the legal documents to insure compliance with the requirements of the City Code, State law, and the preliminary plat.
- D. The costs of engineering examination of final plat and construction plans shall be paid by the subdivider and shall be the actual costs of the engineering examination and review as incurred by the City.
- E. Upon completion of said review staff shall recommend approval or disapproval of the plat within 45 calendar days of the date the City received a complete application, or the final plat shall be deemed to be approved by the staff. The owner or subdivider may, however, agree, in writing, to an extension of time.
- F. Following staff evaluation, the owner or owner's representative shall submit a digital version, a transparent reproducible copy and 8 prints of the revised final plat with the signatures of the surveyor and the respective utility companies to the City Clerk.
- G. After receipt of the recommendation of the staff or after the time of any extension, the City Council shall, by resolution, approve or disapprove the final plat. The City Council must take action on the final plat within 60 calendar days of submission of a complete application for a final plat to the City Clerk. If the City Council does not approve or disapprove the plat

within 60 calendar days, the final plat shall be deemed approved. The owner or subdivider may, however, agree, in writing, to an extension of time.

ARTICLE VI: OTHER PROVISIONS

6.01 WAIVERS AND EXCEPTIONS

The following shall apply to the granting of waivers or exceptions:

- A) Hardships. Where the City Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make waivers or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such waiver or exceptions to these regulations meets the following criteria:
- 1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - 2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought, and are not applicable, generally, to other property.
 - 3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

- 4) A variance may not be granted solely on the basis of the subdivider's desire to earn a greater profit on the property.

- B) Conditions. In granting waivers and exceptions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

- C) Procedure for Waiver or Exception. A petition for any such variation or exception shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The petition shall be referred to the Planning and Zoning Commission for its review and recommendation prior to submission of the issue to the City Council.

Amended by 2012-319

6.02 CHANGES AND AMENDMENTS

Any provisions of these regulations may be changed and amended from time to time by the City Council, provided that such changes and amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law. Such proposed amendments shall first be submitted to the Planning and Zoning Commission for study and recommendation before the hearing date is scheduled. The Planning and Zoning Commission shall forward its recommendation to the Council within thirty (30) days after the City Council requests the recommendation. The City Council shall then give notice of and hold a public hearing on the proposed amendment.

6.03 SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

6.04 ORDINANCE NOT TO LIMIT OTHER ORDINANCES

Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

6.05 WHEN EFFECTIVE

This ordinance shall be effective after its final passage, approval and publication as provided by law.