

CHAPTER 170

SUBDIVISION REGULATIONS

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170.01 TITLE. This chapter shall be known, referred to and cited as “The Land Subdivision Ordinance of the City of Iowa Falls, Iowa.”

170.02 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 comprehensive plan of the City; for the adequate open spaces, 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.

170.03 DEFINITIONS. For use in this chapter, the following words and terms are defined.

1. “Building line” means a line on a plat between which line and public right-of-way no buildings or structures may be erected.
2. “Commission” means the City Planning and Zoning Commission.
3. “Cul-de-sac” means a minor street with only one outlet and culminated by a turnaround.
4. “Easement” means a grant by the property owner for the use, for a specified purpose, of a strip of land by the general public, a corporation, or a certain person or persons.
5. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
6. “Major thoroughfare” means a street designated as a major thoroughfare in the major thoroughfare plan for the City.
7. “Performance bond” means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the City Manager, and said surety bond or cash deposit being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.

8. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back-to-back of curbs.

9. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however otherwise designated.

10. "Street, minor" means a street not designated as a major thoroughfare in the major thoroughfare plan for the City.

11. "Subdivider" means any person who divides or proposes to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.

12. "Subdivision" means (i) the division of any parcel of land into two or more parcels, sites or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership; provided, however, the division or partition of land into parcels of more than five (5) acres, not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where the sale or exchange does not create additional building sites, shall be exempted; and provided further, division of an existing parcel occupied by a bi-attached dwelling into two equal parts with the division line running down the approved common wall shall be exempted; or (ii) the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

A. "Class 1 Subdivision" is a subdivision in which the smallest lot has an area of less than one acre and a width of less than 150 feet.

B. "Class 2 Subdivision" is a subdivision in which the smallest lot has an area of one acre or more and a width of more than 150 feet.

170.04 PLATTING REQUIRED. It is unlawful for the owner, agent or person having control of any land within the corporate limits of the City, or within two miles thereof, to subdivide or lay out such land in lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State and the provisions of this chapter.

170.05 PROCEDURE. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat, a performance bond (as may be required) and a final plat in accordance with this chapter. The Commission may waive the preliminary plat requirements for subdivisions when no public improvements are involved or any time good cause is shown.

170.06 FILING OF PRELIMINARY PLAT. The subdivider shall first prepare and file with the City Manager, three copies of a preliminary plat conforming to the requirements set forth in this chapter. Five copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City. The plats shall be accompanied by a fee in an amount set by resolution of the Council. No plat for any subdivision or resubdivision shall be considered filed with the Clerk, unless and until said plat is accompanied by the fee, as established by resolution of the Council, and as required by this chapter.

170.07 SCALE AND CONTENT OF PRELIMINARY PLAT. The preliminary plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less and shall be plainly marked "Preliminary Plat." The plat shall show:

1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded;
2. The name and address of the subdivider and the name, address and profession of the person preparing the plat;
3. The date, scale, and north point, and a key map, showing the general location of the proposed subdivision in relation to surrounding development;
4. The legal description of the area being platted;
5. The boundary line (accurate in scale), the dimensions, and location of the property to be platted and the location of section lines. Contours with intervals of not less than five feet;
6. The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land;
7. The location of property lines, streets, and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat;
8. The zoning classification and proposed use for the area being platted;
9. The layout, numbers and approximate dimensions of proposed lots;
10. The layout of all existing and proposed building lines and easements;
11. The location, width, and dimensions of all streets, alleys, and grounds proposed to be dedicated for public use;
12. Proposed names for all streets in the area being platted;
13. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks and drainage structures;
14. Written and signed statements of the appropriate officials of the availability of gas, electricity and water to the proposed subdivision;
15. Any restrictions proposed to be included in the owner's declaration of plat.

170.08 COUNTY ADVISEMENT. In the case of subdivisions outside the corporate limits of the City, the City Manager shall refer two copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.

170.09 HEARING ON PRELIMINARY PLAT. (Repealed by Ordinance No. 1195 – Aug. 24 Supp.)

170.10 EXAMINATION OF PLAT. The City Manager shall examine the plat as to its compliance with the laws and regulations of the City, the existing street system, and good engineering practices, and, shall within fifteen (15) days, submit findings in duplicate to the Commission.

170.11 ACTION BY COMMISSION ON PRELIMINARY PLAT. The Commission, upon receiving the City Manager's report, shall within a reasonable time consider the report and pass upon the plat. It shall then set forth its recommendation in writing, whether of approval, modification, or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The Commission shall return one copy of an approved preliminary plat to the subdivider.

170.12 PREPARATION OF FINAL PLAT. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under this chapter.

170.13 APPROVAL OF PRELIMINARY PLAT IS REVOCABLE. The approval of the preliminary plat by the Commission is revocable and does not constitute final approval or acceptance of the subdivision by the Council or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of the layout and general engineering proposals and plans.

170.14 SCALE AND CONTENT OF FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less. The plat shall show:

1. The title under which the subdivision is to be recorded;
2. The name or names of the owners and subdividers;
3. The date, scale and north point, and a key map showing the general location of the proposed subdivision;
4. The legal description of the area being platted;
5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional township lines;
6. Centerlines of all proposed and adjoining streets with their right-of-way width and names;
7. Lines of all lots with a simple method of numbering to identify all lots and blocks;
8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements;
9. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements, and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot;
10. All radii, arcs, points of tangency, central angles and lengths of curves;
11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made;
12. All survey monuments and benchmarks, together with their description;
13. Private restrictive covenants and their period of existence;
14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

170.15 REQUIREMENTS FOR APPROVAL OF FINAL PLAT. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information as listed in Section 170.14 necessary for the detailed engineering consideration of the improvements required and obtain the approval of the City Manager which shall be endorsed thereon. For final plat approval, the subdivider shall submit to the Commission:

1. Five copies of the final plat;
2. A performance bond as required and approved by the City Manager;
3. One copy of the certified approved plans, profiles, cross sections, and specifications;
4. A certificate from the City Manager that the final plat is substantially in accord with the preliminary plat as approved by the Commission.

170.16 CERTIFICATION AND DISTRIBUTION OF FINAL PLAT. When the final plat has been passed upon by the Commission, five copies of the final plat and performance bond shall forthwith be transmitted to the Council together with a certificate showing the action of the Commission. When the final plat has been approved by the Council, the performance bond accepted, and all five copies duly certified, two copies shall be delivered to the Commission; one copy to the City Manager, and one to the Clerk for their respective files, and one to the subdivider for filing with the County Recorder. If the plat is disapproved by the Council, the disapproval shall point out in writing wherein the proposed plat is objectionable.

170.17 FINAL APPROVAL. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause the plat to be recorded in the office of the County Recorder, and shall file satisfactory evidence of the recording in the office of the Clerk before the City recognizes the plat as being in full force and effect.

170.18 REQUIRED ATTACHMENTS TO FINAL PLAT. The final plat shall also be accompanied by the following at the time it is presented for filing:

1. 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;
2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
3. 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*.
4. 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*.

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

The Council or Commission may request drafts or copies of any of the above instruments for examination at the time of processing the final plat if, in their opinion, the review of such instruments is deemed necessary to properly evaluate the proposed subdivision.

170.19 COPIES OF FINAL PLAT WITH HOUSE NUMBERS. Upon receipt of the duly certified copies of the final plat, the City Manager will transmit copies of the plat, upon which have been placed the official house numbers as determined by the City Manager, to the subdivider, and to the public utility companies.

170.20 AUTHORIZATION TO PROCEED. Receipt of the duly certified final plat by the subdivider is authorization that the subdivider may proceed with the installation and construction of the required improvements.

170.21 BOND RETURNED. The Council will return the performance bond to the subdivider upon certification by the City Manager of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the Council. Prior to certification by the City Manager, the subdivider shall file with the City Manager, plans, profiles, and cross sections of the required improvements as they have been built.

170.22 DESIGN STANDARDS. All subdivisions shall conform to the minimum design standards of this chapter, except as may be provided for planned unit developments.

1. Streets.
 - A. The street and alley arrangement shall be such as to cause no hardship to owners of adjoining property when they seek to subdivide their lands.
 - B. The arrangement of streets shall make provision for continuation of the principal existing streets in adjoining areas.
 - C. Off streets shall be avoided.
 - D. The right-of-way width for major streets shall conform to the major street plan adopted as a part of the Iowa Falls comprehensive plan.
 - E. The minimum right-of-way width for minor streets shall be fifty (50) feet.
 - F. When streets adjoin unsubdivided property a half-street not less than thirty (30) feet in width may be dedicated, and whenever the subdivided property adjoins a half-street the remainder of the street shall be dedicated.
 - G. Property access shall be given to all lots from a dedicated street.
 - H. All dead-end streets shall terminate in an open space having a minimum radius of fifty (50) feet. No dead-end street shall exceed six hundred (600) feet in length.
 - I. Reserve strips controlling access to streets shall be prohibited except where control of the strips is placed in the City.

- J. A tangent at least one hundred (100) feet long shall be placed between reverse curves on major streets; on minor streets the tangents shall be at least fifty (50) feet long.
2. Lots.
- A. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.
- B. All side lines of lots shall be at right angles to straight street lines or radial to curved street lines unless a variation of this rule will give a better street and lot plan.
- C. Lots with double frontage shall be avoided.
- D. Access from a public street shall be provided for all lots.
- E. No lot shall have a depth of less than one hundred (100) feet or a depth in excess of three times its width.
- F. The minimum width of residential lots shall be sixty-six (66) feet at the building line, except when a lesser width is permitted by the Zoning Ordinance of the City.
- G. No lot that is to be used for residential purposes shall contain an area of less than six thousand six hundred (6,600) square feet; provided, however, all lots shall conform in area to any municipal or County zoning ordinance.
- H. Lots at intersections of major streets and at all acute angle intersections shall have a radius of twenty (20) feet at the street corner.
3. Building Lines. Building lines shall be shown on all lots intended for residential use and on commercial and industrial lots immediately adjoining residential areas. Within the City the building lines shall not be less than the requirements of the Zoning Ordinance, and in any areas not zoned, not less than twenty-five (25) feet from the right-of-way of the street or highway upon which the lot fronts, except that where all frontage on one side of a street between two intersecting streets or for a distance of three hundred (300) feet or more is to be used for commercial or industrial purposes, the minimum building lines shall not be less than twenty (20) feet. Restrictions requiring buildings to be set back to the building lines shall either be shown on the plat or shall be contained in a separate recorded instrument and referred to on the plat.
4. Open Spaces Other Than Streets.
- A. Where the area being subdivided includes lands to be used for parks or schools under the officially adopted master plan of the City, the subdivider shall indicate the location of such areas on the subdivision plat and shall grant a two-year option for the purchase of the lands or easements by the appropriate public agency at the appraised value prior to subdividing plus one-half the cost of grading and surfacing of the portions of any streets that are contiguous to the site. In case parks or school grounds dislocate utilities, this shall be taken into consideration in the price agreed upon for the land.
- B. The option may be taken up by the appropriate public agency upon the payment to the subdivider of ten percent (10%) of the total purchase price, total purchase price being the price plus pro rata street costs. The amount

shall serve as either earnest money, in the event the purchase is not completed, or shall be applied on the purchase price if the purchase is completed as hereinafter provided. The balance of the purchase price, plus interest computed at the current bank rate, shall be payable over a period of not to exceed twelve months or the remainder of the current fiscal year, whichever is shorter.

C. In case of a disagreement over the value of land, the value shall be established by three qualified appraisers, one of whom shall be appointed by the purchasing public agency, one of whom shall be appointed by the subdivider and one of whom shall be mutually agreed upon by the two appraisers named above. The subdivider shall bear the cost of any appraisal. If the option is not taken up within two years as provided herein, or if the purchase is not completed within the applicable period of time, then the subdivider may sell or use the lands for an alternate purpose, which alternate purpose shall be shown on the approved subdivision plat.

5. Alleys. Where there are alleys the minimum alley width shall be twenty (20) feet. A cutoff shall be provided at all acute angle alley intersections. Dead-end alleys shall not be allowed.

6. Easements. Where there are no alleys, easements of at least seven and one-half (7½) feet in width shall be provided and dedicated on each side of all rear lot lines and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other mains. An adequate easement shall be dedicated along all important watercourses for the purpose of widening, deepening, sloping, improving or protecting the stream for drainage purposes.

170.23 CHARACTER OF DEVELOPMENT.

1. The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, to control the type and use of structures or the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property.

2. The Commission shall have power to agree with the subdivider upon the use, height, area or bulk restrictions governing building and premises, providing that the restrictions do not authorize the violation of the Zoning Ordinance of the City.

3. Restrictions shall be made requiring all buildings used for residential purposes to be set back not less than six (6) feet from the side lot lines, except on corner lots where the required setback from side streets shall be a minimum of twenty-five (25) feet, provided no adjacent structures front on the same street, in which case the required setback may be reduced one-half. A rear yard requirement of ten (10) feet shall be permitted on corner lots.

4. Deed restrictions and covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation of the terms of the restrictions or covenants.

170.24 MAINTENANCE OF IMPROVEMENTS OUTSIDE CITY LIMITS. Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for

the welfare of the area and which are of common use or benefit and which the City does not desire to or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the City for the proper and continuous maintenance and supervision of facilities by the lot owners in the subdivision.

170.25 IMPROVEMENTS.

1. Authorization to Prepare Plans and Specifications. Receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements that will be required. Prior to the construction of any improvements the subdivider shall furnish the City Manager all plans, information and data necessary for the construction of the improvements. These plans shall be examined by the City Manager and will be approved if in accordance with the following requirements. Following the approval, construction can be started. The subdivider may prepare and secure approval of the preliminary plat and then install improvements only in a portion of the area covered by the preliminary plat.

2. Completion. Plans for improvements shall be prepared by a qualified engineer registered in accordance with the laws of Iowa. The improvements listed below shall be installed prior to the approval of the final plat which is prepared for recording purposes. In lieu of actual completion of the improvements, the Council may accept a performance bond assuring the actual construction and installation of the improvements and utilities within a reasonable time, and with the provision that no residence or other building shall be constructed until the street improvements, water and sewer lines have been installed for the entire block in which the residence or other building shall be located. Sidewalks may be installed after the construction of each residence or other building.

3. Required Improvements. The improvements to be installed are as follows:

A. Permanent Markers. All subdivision boundary corners and the intersections of street centerlines shall be marked with permanent monuments, as required by the City Manager. A permanent monument shall be deemed to be concrete with a minimum dimension of four (4) inches, extending three (3) feet below the surface of the ground, or steel pipe firmly imbedded in the concrete which extends at least three (3) feet below the surface of the ground. Should conditions prohibit the placing of monuments on line, off-set marking will be permitted; provided, however, that off-set courses and distances are shown on the plat. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.

B. Street Improvements. All streets shall be graded and the roadway improved by surfacing under the supervision of the City Manager and subject to the City Manager's approval.

(1) For Class 1 subdivisions, roadway surfacing shall include portland cement curb and gutter on both sides of the street not closer than twenty-six (26) feet from the back of one curb to the other with the area between the curbs surfaced with concrete or asphalt meeting the standard specifications of the City.

(2) For Class 2 subdivisions, roadway surfacing shall consist of concrete or asphalt paving, at least twenty-four (24) feet wide, constructed in accordance with standard specifications of the City with drainage ditches where appropriate with slopes no steeper than two (2) feet horizontal for each one foot vertical and at least two (2) feet deep.

(3) For major streets, i.e. streets so designated on the Official Master Plan, the surfacing shall be the same as for Class 1 subdivisions except that the surfacing shall be at a width designated by the Council.

C. Sidewalks. For Class 1 subdivisions, two sidewalks shall be required along all streets. For Class 2 subdivisions, two sidewalks shall be required along all major streets. All sidewalks shall have a minimum width of four (4) feet and shall be constructed under the supervision of, and subject to the approval of, the City Manager and in accordance with standard specifications of the City. Sidewalks shall be located six (6) inches inside the street right-of-way line.

D. Water Lines. For Class 1 subdivisions, the subdivider shall make necessary arrangements to serve each lot with a water main of the City municipal water system. For Class 2 subdivisions, the subdivider shall provide an adequate supply of potable water to each lot by a water system approved by the State Health Department with proper provisions for the maintenance thereof as required by Section 170.24, or shall serve each lot with a water main of the City municipal water system; or where it is feasible and practical for an adequate water supply to be made available for every lot by the individual lot owner to present evidence to this effect and include deed restrictions on the final plat requiring any such individual water supply systems to comply with the requirements of the State Health Department.

E. Sewers. For Class 1 subdivisions, the subdivider shall connect with the sanitary sewer system of the City and provide adequate sewer lines accessible to each lot. The sewers shall be constructed in accordance with the standard specifications of the City under the supervision of the City Manager and subject to the City Manager's approval. For Class 2 subdivisions within the City limits or being annexed to the City, individual sewage disposal devices may be used for each lot, but the subdivision plat shall include deed restrictions requiring that all the individual disposal systems shall be constructed in accordance with the specifications of the State Health Department and under the supervision of and subject to the approval of the City Manager.

F. Drainage. Adequate provision shall be made for drainage of storm water subject to the approval of the City Manager. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot. In Class 2 subdivisions, drainage shall be by open channels located along the streets or along rear lot lines. No lot shall be platted to obstruct natural water flow.

G. Alleys. Alleys shall be graded to their maximum usable width to a grade approved by the City Manager.

170.26 EXCEPTIONS. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography; or other such non-self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of this chapter, the Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this chapter or interfering with carrying out the comprehensive plan of the City. In no case shall any variation or modification be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street below that shown on the comprehensive plan of the City or be in conflict with the Zoning Ordinance and map. The variances and waivers may be granted only by the affirmative vote of three-fourths of the members of the Commission. In granting variances and modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

170.27 AMENDMENTS. Any regulations or provisions of this chapter may be changed and amended from time to time by the Council; provided, however, the changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

170.28 PENALTIES. Whoever, being the owner or agent of the owner of any land located within or within two miles of 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 the land before the plat has been approved by the Council, 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 these penalties.

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