

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 PURPOSE AND JURISDICTION. The purpose of this chapter is to provide for the harmonious development of the City and adjacent territory by establishing appropriate standards for streets, blocks, lots, utilities and other improvements by promoting coordination with existing development and by establishing procedures and conditions for the approval of subdivisions of land, all in the interest of the health, safety and general welfare of the community. All plats, replats or subdivision of land into three (3) or more parts for the purpose of laying out a portion of the City, additions thereto, or suburban lots within two (2) miles of the corporate limits of the City for other than agricultural purposes, shall be submitted to the Council and Planning and Zoning Commission of the City, in accordance with the provisions of this chapter, and shall be subject to the requirements established herein. Subdivision plats within two miles of the corporate limits of the City are subject to review and approval by the City. The proposed subdivision plat shall be submitted to the Planning and Zoning Commission for their review and recommendation before being addressed by the Council for final determination as to whether they meet the requirements of State law, local ordinance and the development plans for the City. This Code of Ordinances defines a subdivision to be a tract of land divided into three or more parcels, whether the survey instrument is designated a subdivision plat or plat of survey.

166.02 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined. The word “building” includes the word “structure.”

1. “Alley” means a permanent public service way providing a secondary means of access to abutting property.

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

3. “Commission” means the Planning and Zoning Commission of the City.

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

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

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

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

8. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership on the effective date of the ordinance codified in this chapter.

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

A. "Thoroughfare" means a street intended for cross-town or through traffic.

B. "Collector street" means a street intended to carry vehicular traffic from residential streets to thoroughfares.

C. "Residential street" means a street used primarily for access to abutting property.

10. "Street pavement" means the wearing or exposed surface of the street right-of-way used by vehicular traffic. The pavement width is measured from the back of the curb on one side to the back of the curb on the other side.

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

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

13. "Subdivision" means the division of a tract of land into three (3) or more parcels, whether by repeated division or simultaneous division, irregardless of whether the survey instrument is designated a subdivision plat or plat of survey.

166.03 FEES. Each preliminary plat and final plat submitted for approval shall be accompanied by a fee as set by resolution of the Anamosa City Council.

166.04 VARIANCES AND WAIVERS.

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

2. Waiver of Plats of Survey. All plats of survey, both for premises within the corporate limits and for premises within two miles of the corporate limits of the City, must be submitted to the City for review for a determination as to whether or not they constitute a subdivision plat subject to further City regulation. Review and approval of plats of survey that do not amount to subdivision plats may be waived by the City Administrator and Mayor following their preliminary review.

3. Waiver to Platting Requirements. The Commission may recommend and the City Council may grant a waiver to Sections 166.07 to 166.12 of this chapter, pertaining to the preliminary platting procedures and the final platting procedures, after it has been determined by the Commission and the City Council that the strict application of such requirements are not reasonable or needed in order to protect the interests of the City and its citizens.

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

1. No plat or subdivision in the City or within two (2) miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.

2. No more than two (2) building permits shall be issued for each separate tract existing at the effective date of the ordinance codified herein unless the tract shall have been platted in accordance with the provisions contained herein.

3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of adoption of the ordinance codified in this chapter unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.

166.06 AMENDMENTS. This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

166.07 PRELIMINARY PLATTING PROCEDURE.

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein, and shall file three (3) copies and a reproducible sepia or tracing of the plat with the Clerk.

2. The Clerk shall immediately transmit two (2) copies of the preliminary plat to the Commission for study and recommendation. The Commission shall examine the plat as to its compliance with this chapter and the comprehensive plan of the City and shall have forty-five (45) days within which to submit a recommendation to the Council, provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days.

3. The Council shall, upon receipt of the Commission's recommendation or after forty-five (45) days from the date of referral to the Commission or an approved extension thereof, shall have passed, by resolution, grant approval of or reject the preliminary plat. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

166.08 FINAL PLATTING PROCEDURE.

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

2. Procedures for final plats shall be the same as set out for preliminary plats in Section 166.07 above.

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

166.09 PLATS OUTSIDE CORPORATE LIMITS. Procedure for approval of preliminary and final plats of land within two (2) miles of the corporate limits shall be the same as set out in Section 166.07 and 166.08 above, except that five (5) copies of the plat shall be filed with the Clerk and the Clerk shall in addition refer one (1) copy to the City Engineer and one (1) copy to the City Attorney. The Commission shall not take action prior to receiving the recommendations of the County Planning and Zoning Commission, if any, provided that such recommendations shall be received within thirty (30) days of referral date. All plats of survey within two miles of the

corporate limits of the City submitted to the City for review and approval shall be first submitted to the City Council for a determination as to whether or not they do constitute subdivision plats subject to the City's review and approval. Review and approval of plats of survey that do not amount to subdivision plats shall be waived by the City Council following this initial review.

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

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

1. A location map showing:
 - A. The subdivision name;
 - B. An outline of the area to be subdivided;
 - C. The existing streets and public or community utilities, if any, on adjoining property; and
 - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of one hundred feet to one inch ($100' = 1''$), said preliminary plat to show:
 - A. Legal description, acreage and name of proposed subdivision;
 - B. Name and address of owner;
 - C. Name of person who prepared the plat, and the date thereof;
 - D. North point and graphic scale;
 - E. Contours at five-foot (5') intervals or less;
 - F. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision;
 - G. Layout of proposed blocks (if used) and lots, including the dimensions of each and the lot and block number in numerical order;
 - H. Location and widths, other dimensions and names of the proposed streets, alleys, roads, sidewalks, utility and other easements, parks and other open spaces or reserved areas;

- I. Names of adjacent property owners;
 - J. Grades of proposed streets and alleys;
 - K. A cross section of the proposed streets showing the roadway location, the type of curb and gutter, the paving and, if proposed, sidewalks to be installed;
 - L. The layout of lots of proposed water mains and sanitary sewers;
 - M. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures;
 - N. Proposed building lines, if different than the yard requirements established in the Zoning Ordinance;
 - O. All proposed locations of gas, electric and telephone utility systems and related appurtenances thereto.
3. A preliminary plat of subdivision shall also reveal the date of its preparation.

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

- 1. It may include all or only part of the preliminary plat.
- 2. The plat shall be drawn to the scale of one hundred feet to one inch (100' = 1").
- 3. The final plat shall contain the following:
 - A. Accurate boundary lines with dimensions and angles which provide a survey of the tract closing with an error of not more than one (1) foot in three thousand (3,000) feet;
 - B. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a congressional division of which the subdivision is a part;
 - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
 - D. Accurate legal description of the boundary;
 - E. Street names;
 - F. Complete curve notes for all curves included in the plat;
 - G. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley and lot lines;

- H. Lot numbers and dimensions;
- I. Block numbers, if blocks are used;
- J. Building lines if different than yard requirements of the Zoning Ordinance;
- K. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;
- L. Location, type, material and size of all monuments and markers;
- M. Name of the subdivision;
- N. Name and address of owner and subdivider;
- O. North point, scale and date;
- P. Certification by a registered land surveyor of the State of Iowa and the date of certification;
- Q. Certification of dedication of streets and other public property; and
- R. Resolution and certificate for approval by the Council and signatures of the Mayor and Clerk.

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

A. A certified statement from the owner and spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and spouse;

B. Plats for subdivision of land within the corporate limits shall be accompanied by one of the following:

(1) A certificate signed by the owners of the property identifying all contractors responsible for the infrastructure improvements proposed to be accepted by the City, and a certificate signed by a licensed engineer to the effect that all infrastructure improvements have been installed in accord with the City specifications and the construction plans approved for the subdivision, or

(2) A surety bond or other acceptable guarantee of performance with the City which will insure the City that the improvements will be completed by the subdivider or property owner within two (2) years after the official acceptance of the plat; provided, however, the developer may request and the Council may agree to stage the installation of improvements on an annual basis to serve those lots to be offered for sale or development in that particular year, in which case a bond or other acceptable guarantee of performance may be required only for improvement to those lots so designated. The form and type of bond or other acceptable guarantee of performance shall be approved by the City Attorney, and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus ten percent (10%). The amount of the estimate must be approved by the Council. If the

improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same, or

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

It shall be the City's prerogative to allow the owner of the property proposed for subdivision to exercise either option 2 or 3 above. If either option 2 or 3 above is exercised, the final plat shall contain a statement acknowledged by the owners of the subdivided property that they and their successors in interest acknowledge that public services including, but not limited to, street maintenance, snow and ice removal, rubbish, refuse and garbage collection will not be extended to the subdivision until all infrastructure improvements required have been installed and accepted by the City.

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

5. The final plat shall also be accompanied by the following at the time it is presented to the City Council for consideration:

A. 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;

B. An opinion from an attorney-at-law licensed to practice in the State of Iowa certifying that fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than one (1) secured by a bond as provided for in Section 354.12 of the Code of Iowa, or (2) the holder of which has consented to the subdivision plat pursuant to Section 354.11 of the Code of Iowa.

C. If the land platted is encumbered by mortgage or other lien, it shall be accompanied by either (1) an encumbrance bond in an amount double the amount of the encumbrance running in favor of the City, or County if the land is not within the corporate limits of the City, for the benefit of the purchasers of the land subdivided has been filed with the County Recorder, or (2) the written consent of the holder of the encumbrance to the subdivision plat.

D. 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.

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

F. The written commitment of all of the owners of the real estate contained within rural subdivisions to:

(1) Voluntarily annex the subdivision to the City in the event the subdivision should ever adjoin the City;

(2) Waive the statutory limitation for special assessments for curb and gutter, surfacing of streets, storm sewer and the installation of sidewalks within the subdivision should the subdivision be annexed to the City, so that 100% of the cost of those improvements may be assessed the adjoining property owners.

The written commitments required here shall be binding upon future owners of the real estate contained within the rural subdivision. Acceptance of a rural subdivision plat by the City shall not create an obligation on the part of the City to extend any services to the subdivision, nor shall acceptance of any rural subdivision plat by the City be deemed an acceptance by the City of the dedication of any street, alley or other infrastructure improvement unless specifically noted by the City in its acceptance of the subdivision plat.

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.

166.13 STREETS AND ALLEYS. Design standards relative to the width of street and alley right-of-ways, the grades and paving of streets, alleys and sidewalks, and the setback distance of sidewalks from streets within subdivisions shall be established by resolution of the Council, as shall the design standards for all other infrastructure improvements within the subdivision (water service, sanitary sewer service, storm sewers, etc.). Current design standards shall be maintained by the Clerk at City Hall and copies shall be made available to the public for the cost of reproduction.

166.14 BLOCKS. Design standards for blocks are the following:

1. The length of blocks shall be not less than six hundred (600) feet and not more than one thousand three hundred twenty (1320) feet in length.

2. Blocks shall be of sufficient width to permit two (2) tiers of lots, but in no case shall the width be less than two hundred twenty (220) feet.

3. Crosswalks may be required in blocks over eight hundred (800) feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be constructed by the developer.

166.15 LOTS. Design standards for lots are the following:

1. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of fifteen (15) feet.
2. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use.
3. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better lot layout.
4. Corner lots shall not be less than eight (80) feet in width, and interior lots shall not be less than seventy (70) feet in width in the building line.

166.16 SUBDIVISION FENCING REQUIREMENTS

1. Fencing Responsibility: At the time of approval of the final plat, the subdivider of any property where the adjoining land is used for agricultural purposes shall be responsible for the construction and maintenance of all perimeter fences between the subdivision and adjoining land used for agricultural purposes, unless an agreement is established between the subdivider and the adjoining property owners.
2. Fence Construction Specifications: Fence construction should be sufficient to turn livestock and shall comply with the provisions of Chapter 359A.18 of the Iowa Code.
3. Execution of Fencing Agreement: For all plats for which perimeter fencing is required, the subdivider shall submit, prior to approval of the final plat, an executed fencing agreement that sets forth provisions for construction and maintenance and, at a minimum, addressing the following requirements.
 - a. A statement as to whom shall bear responsibility for the perimeter fencing upon the sale of lots within the subdivision.
 - b. A statement that the agreement shall run with the land.
 - c. A statement that any damaged fence shall be replaced to the same specifications as originally built by the party that damaged the fence.
 - d. A termination clause effective upon the subdivision of the adjoining property for non-agricultural purposes.

166.17 IMPROVEMENTS REQUIRED.

1. Sanitary Sewers. The subdivider shall provide the subdivision with a complete sanitary sewage system which shall connect with the sanitary sewer outlet approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.

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

3. Water. The subdivider shall provide the subdivision with a complete water main supply system which shall be extended into and through the subdivision to the boundary lines, and which shall provide for a water connection for each lot and shall be connected to the City water system. The City will provide all fire hydrants and the valves and appurtenances thereto.

4. Markers. An iron rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches in length shall be placed as follows:

A. At the intersection of all lines forming angles in the boundary of the subdivision;

B. At block and lot corners and changes in direction of block and lot boundaries.

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

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

7. Surfacing. All streets being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be asphaltic concrete or Portland cement concrete as determined by the Council and shall be constructed in accordance with designs and specifications approved by the Council at grades established by the Council.

8. Sidewalks. Sidewalks meeting the design standards adopted by the City shall be installed parallel to all streets in all residential areas.

9. Rural Subdivisions. Subdivisions of real estate outside the corporate limits but within two miles of the corporate limits (rural subdivisions) are excused

from providing all of the improvements required above provided (1) all streets and roadways within the subdivisions meet the design standards of the City with regard to width and grade, and (2) what improvements are made meet applicable City specifications.

166.18 RETENTION AND TIMED RELEASE OF STORM WATER RUNOFF.

No development permit shall be issued for a structure encompassing 2,500 square feet or more or for the development of an area 1.5 acres or more unless satisfactory proof has been provided the Zoning Administrator that adequate plans are in place for the retention and timed release of storm water runoff to ensure the discharge of storm water from the developed site is no greater after development than prior to development. The development permit application submitted for affected sites shall include a topographical map revealing the location and nature of the retention and timed release facilities to be installed and a narrative of how the retention and timed release facilities will ensure the post development discharge of storm water is no greater than the pre-development discharge of storm water.

166.19 STANDARD SPECIFICATIONS.

The type of construction, the materials, the methods, and standards of subdivision improvements and infrastructure improvements shall meet the State Wide Urban Design Standards for Public Improvements, Current Edition, and the State Wide Urban Standard Specifications for Public Improvements, Current Edition. Plans and specifications shall be submitted to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

166.20 INSPECTION.

The Council shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider, and shall be the actual cost of the inspection to the City. At its option, the Council may, upon approving the plans and specifications, require the developer to engage a registered engineer to monitor construction of the infra-structure improvements to ensure that work is done in compliance with the plans and specifications approved for the infra-structure improvements for the subdivision, as well as in compliance with accepted construction standards.

166.21 MAINTENANCE BONDS.

Maintenance bonds shall be posted by all contractors for the infrastructure improvements for which they are responsible in the subdivision approved under this chapter for the full costs of those infrastructure improvements to the subdivision developer. Unless otherwise authorized in advance by the City Council, maintenance bonds for street paving and curb and gutter installation shall be for a minimum of four (4) years, with maintenance bonds for storm sewer, sanitary sewer and water main installation for a minimum of two (2) years.

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