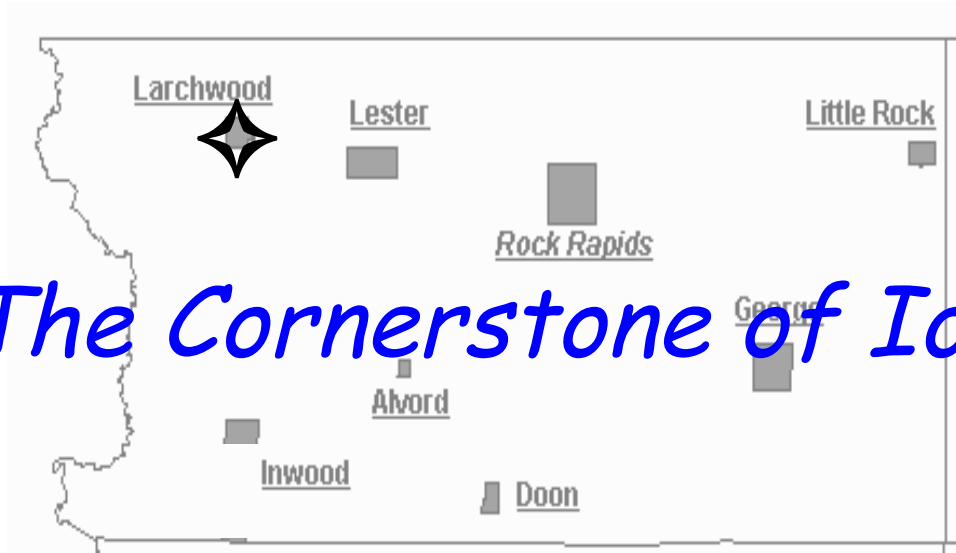


City of **LARCHWOOD**



"The Cornerstone of Iowa"

2011

SUBDIVISION REGULATIONS ORDINANCE



Prepared with Planning Assistance from
NorthWest Iowa Planning &
Development Commission
Spencer, Iowa

City of Larchwood

SUBDIVISION REGULATIONS ORDINANCE

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**SUBDIVISION REGULATIONS ORDINANCE
FOR OF THE CITY OF LARCHWOOD, IOWA**

AN ORDINANCE providing rules and regulations for the subdivision of land in the City of Larchwood, Iowa, prescribing minimum standards for the review of proposed preliminary and final subdivision plats and establishing fees therefore, and prescribing penalties for the violation of such ordinance.

WHEREAS, this ordinance is in conformance with Chapter 354 of the Code of Iowa.

WHEREAS, this ordinance is for the purpose of promoting the safety, health and general welfare of the public in accordance with the city's comprehensive land use plan.

WHEREAS, The City Council of Larchwood, Iowa, deems this ordinance necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities and streets; to facilitate the adequate provision of transportation, water supply, sewage treatment, storm drainage and other public improvements and services in areas of new development and throughout the city.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARCHWOOD, IOWA.

ARTICLE I General Provisions

Article 1: General Provisions

- Section 1.1. Title
- Section 1.2. Purpose
- Section 1.3. Interpretation of this Ordinance
- Section 1.4. Jurisdiction
- Section 1.5. Application
- Section 1.6. Plat to Conform to Comprehensive Plan
- Section 1.7. Restrictive Covenants
- Section 1.8. Recording of Plat
- Section 1.9. Plats Outside of the Corporate Limits

Section 1.1. TITLE.

This ordinance shall be known and may be cited and referenced as the “Larchwood Subdivision Regulations Ordinance”.

Section 1.2. PURPOSE.

The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing land uses and developments 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 comprehensive plan, and to promote the public health, safety, and general welfare of the citizens of the City of Larchwood, Iowa.

Section 1.3. INTERPRETATION OF THIS ORDINANCE.

In the interpretation and application of the provisions of this ordinance, such provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

Section 1.4. JURISDICTION.

In accordance with the provisions of Chapter 354, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Larchwood, Iowa, governing the subdivisions of all lands within the corporate limits of the city and all lands within the extraterritorial jurisdictional area.

Section 1.5. APPLICATION.

Every owner of any tract or parcel of land which has been subdivided or any owner who shall hereafter subdivide or plat land into more than two (2) parts, for the purposes of laying out an addition, subdivision, building lot, or lots, acreages or suburban lots within the city shall cause plats of such area to be made in form, and containing the information hereinafter set out before selling any lot or lots therein contained or placing the plat on public record.

Section 1.6. PLAT TO CONFORM TO COMPREHENSIVE PLAN.

The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the comprehensive 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 plan, or a parks and open space plan, provided such plans have been adopted by the city. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to best conform to the comprehensive plan. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plat so it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Section 1.7. RESTRICTIVE COVENANTS.

The subdivider may, at their own expense, restrict the use of premises contained in a subdivision plat by means of restrictive covenants. Any such covenants shall be included as deed restrictions on the final plat. Where any restrictive covenants are anticipated in a proposed subdivision which do not assist orderly, efficient, integrated development, promote the public health, safety and general welfare of the community, and insure conformance of the subdivision plans with the capital improvements program, comprehensive plan or major street plan, the City Council may deem these grounds for disapproval of the subdivision plat.

Section 1.8. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within the City of Larchwood, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the Lyon County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance. Furthermore, the City of Larchwood will make recommendation to the Lyon County Planning and Zoning Commission that no subdivision plat, resubdivision plat or street dedication located within two (2) miles of the corporate limits of Larchwood be filed for record with the Lyon County Recorder until the Larchwood Planning and Zoning Commission has had an opportunity to review and comment on such subdivision with regards to compliance of this ordinance. Upon approval of the final plat by the City Council of Larchwood, Iowa, it shall be the duty of the subdivider to immediately file such plat with the Lyon 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.

Section 1.9. PLATS OUTSIDE OF THE CORPORATE LIMITS.

Procedure for review of the preliminary and final plats of land within two (2) miles of the corporate limits of Larchwood shall be the same as set out in Article IV, Section 4.2 and Article V, Section 5.1, except the city shall submit to the County Planning and Zoning Commission the city's recommendations to either approve, revise, or reject the proposed county subdivision. The Larchwood Planning and Zoning Commission shall submit its recommendations within thirty (30) days after the referrals of the plat from the County Engineer or the County Planning and Zoning Commission, or the city's recommendation shall be deemed as approval of the proposed county subdivision. Specific attention will be paid by the city with regards to those subdivisions platted adjacent to or bordering the city's existing city limits, and will recommend the city's subdivision standards including platting, design, infrastructure, lighting, road width and configuration be applied and implemented to county subdivisions that border Larchwood's city limits.

ARTICLE II Definitions

Article 2: Definitions
Section 2.1. Definitions

Section 2.1. DEFINITIONS.

For the purposes of this ordinance, certain terms and words herein shall be defined. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the word “shall” is always mandatory, and the word “may” is permissive.

1. *Access Street* – A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
2. *Acquisition plat* – 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.
3. *Aliquot part* – 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.
4. *Alley* – Public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
5. *Auditor's plat* – A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the auditor to clarify property descriptions for the purposes of assessment and taxation.
6. *Block* – An area of land within a subdivision that is entirely bounded by streets or other public rights-of-way except alleys, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
7. *Building line (Setback line)* – Shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the zoning ordinance. Where the subdivided area is not under zoning control, the Planning and Zoning Commission shall require building lines in accordance with the needs of each addition.
8. *City Engineer* – Any registered professional engineer designated by the City Council.
9. *Collector Streets* – Those streets which carry traffic from minor streets to the major system of arterial streets and highways, including principal entrance streets of residential developments.
10. *Commission or Planning Commission* – The Larchwood Planning and Zoning Commission.
11. *Comprehensive Plan* – The general plan for development of the community that may be titled master plan, comprehensive plan, or some other title, and has been adopted by the City

- Council. Such “comprehensive plan” shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
12. *Conveyance* – An instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
 13. *Council* – The Larchwood City Council
 14. *Cul-de-sac* – A short minor street having one end connecting to another street, and the other end terminated by a vehicular turn around.
 15. *Develop* – To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.
 16. *Developer* – Any person or persons who develop or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
 17. *Division* – 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 purposes of this ordinance.
 18. *Easement* – A grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation or certain persons, and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees that interfere with the use of such easements.
 19. *Engineer* – A registered professional engineer authorized to practice engineering as defined by the registration act of the State of Iowa.
 20. *Flood Hazard Area (or 100-year Flood Plain)* – 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 Department of Natural Resources or FEMA (Federal Emergency Management Agency).
 21. *Floodway* – The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharged the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
 22. *Forty-Acre Aliquot Part* – One-quarter of one-quarter of a section.
 23. *Government Lot* – 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.
 24. *Half Street* – A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the city for future development when another subdivision is platted along the side of the half street.

25. *Highway* – A major street which carries a large volume of traffic (usually state/federal routes).
26. *Improvements* – Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways, plantings and other public works and appurtenances.
27. *Lot* – A parcel of land occupied or intended for occupancy by uses permitted by law and having its principal frontage upon a street or an officially approved place. Said lot shall not include any part of an abutting street, road, or public right-of-way.
28. *Lot, Corner* – A lot situated at the intersection of two streets.
29. *Lot, Double Frontage* – Any lot that is not a corner lot that abuts two streets.
30. *Maintenance Bond* – Any security that may be required and accepted by a governmental agency to assure that necessary improvements will function as required for a specific period of time (usually one to two years).
31. *Major Thoroughfare* – A street used primarily for fast, large volumes of traffic.
32. *Metes and Bounds Description* – 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.
33. *Official Plat* – Either an auditor's plat or subdivision plat that meets the requirements of this ordinance and has been filed for record in the offices of the recorder, auditor, and assessor.
34. *Owner* – The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
35. *Parcel* – A part of a tract of land.
36. *Performance Bond* – A surety bond, cash deposit, or other approved letter of credit made out to Larchwood, Iowa, in an amount equal to the full cost of improvements which are required by this ordinance; said costs being estimated by the City Engineer and said bond, cash deposit, or letter of credit being legally sufficient to secure to the city that said improvements will be constructed in accordance with the provisions of this ordinance.
37. *Permanent Real Estate Index Number* – A unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.
38. *Plat* – A map drawing, or chart on which a subdivider's plan for the subdivision of land is presented for approval and which the developer intends to be recorded in final form.
39. *Plat of Survey* – The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
40. *Proprietor* – A person who has a recorded interest in land, including a person selling or buying land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

41. *Proprietor's Plat* – A plat as defined herein submitted by the owner of the land being platted, or the owner's agent, or other private entity, acting with the consent of the owner.
42. *Resubdivision* – Any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be used as a verb referring to the act of preparing a plat of previously subdivided land.
43. *Right-of-Way* – The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
44. *Roadway* – That portion of the improved street intended for vehicular traffic.
45. *Street* – Is 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.
46. *Street, Arterial* – A street primarily intended to carry traffic from one part of the city to another, and not intended to provide access to abutting property.
47. *Street, Collector* – A street that carries traffic from local streets to arterial streets.
48. *Street, Dead End* – A short street having one end open to vehicular traffic and the other end terminated but not with a vehicular turnaround.
49. *Street, Local* – A street which is used primarily for access to abutting properties.
50. *Street, Major* – A street of considerable continuity connecting various sections of the city.
51. *Subdivider* – The owner of the property being subdivided, or other such person or entity empowered to act on behalf of the owner's behalf.
52. *Subdivision* – The division of land into two (2) or more parts for the purpose, whether immediate or future, of transfer of ownership or development. The term, when appropriate to the context may refer to the process of subdividing or land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land; or if a new street is involved any division of land; and uses further defined in Chapter 354, Code of Iowa.
53. *Subdivision Plat* – The graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number of letter designation for each lot within the plat and a succinct name or title that is unique for the city where the land is located.
54. *Surveyor* – A registered land surveyor, who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa, authorized to practice surveying as defined by the registration act of the State of Iowa.
55. *Tract* – An aliquot part of a section, a lot within an official plat, or a government lot.
56. *Utilities* – Systems for the distribution or collection of water, gas, electricity, wastewater, and storm water, other energy sources and telecommunications.

ARTICLE III

Minor Subdivision Procedures and Requirements

Article 3: Minor Subdivision Procedures and Requirements

- Section 3.1. Minor Plat Requirements
- Section 3.2. Review by Agencies
- Section 3.3. Procedures for Minor Subdivision

In lieu of a Major Subdivision (Preliminary and Final Plats), a land owner, developer, subdivider or proprietor may be allowed to utilize a “Minor Subdivision” procedure provided the request conforms to the definition contained herein.

Section 3.1. MINOR PLAT REQUIREMENTS.

The proprietor shall prepare the proposed minor subdivision plat and shall furnish to the City Clerk all plans and information, including three (3) copies of the final plat conforming in detail to the requirements set forth in this ordinance. The minor plat submitted shall contain the names and addresses of persons within 200 feet of the proposed subdivision to which a notice of public hearing will be sent. No plat shall be considered or acted upon by the City Council without affording a public hearing, notice of time and place of which shall be sent by mail to such addresses not less than ten (10) days before the date fixed therefore. Said plat shall contain such information as required by this ordinance, specifically the requirements in Article V, Section 5.2 and Section 5.3; or as may be specified by the Code of Iowa or the Zoning Administrator.

Section 3.2. REVIEW BY AGENCIES.

The City Clerk shall forward copies of the submitted plat to the City Council, City Engineer, Zoning Administrator, City Attorney and to such other agencies or persons as may be deemed appropriate and necessary. By the first of the following month, the reviews shall be completed.

Section 3.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within thirty (30) working days following the date of receipt of an application, or such additional period as the proprietor may authorize, the Zoning Administrator may schedule a public hearing on the subdivision request with the City Council. The council shall act upon the Minor Plat not more than sixty (60) days after the initial receipt by the City Clerk.
2. The City Council may approve or disapprove of the subdivision request, or they may refer the request to the Planning and Zoning Commission for their recommendation prior to considering the minor plat. If approved by the City Council, the minor plat shall be certified by resolution. In the event that a minor subdivision plat is not approved, the council shall state in writing how the proposed plat is objectionable.
3. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the minor plat. The proprietor shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the city shall recognize the plat as being in full force and effect. The proprietor shall record the plat within sixty (60) days after the City Council’s approval and shall be responsible for all recording costs. In addition, one (1) copy of the approved minor plat and adopting resolution as well as the completed plat proceedings with any restrictive covenants shall be submitted to the Zoning Administrator by the proprietor.

ARTICLE IV

Preliminary Plat Procedures and Submission Requirements

Article 4: Preliminary Plat Procedures and Submission Requirements

- Section 4.1. Pre-Application
- Section 4.2. Subdivision Classified
- Section 4.3. Requirements of the Preliminary Plat
- Section 4.4. Procedure for Preliminary Plat Approval
- Section 4.5. Authorization to Install Improvements

Section 4.1. PRE-APPLICATION.

Whenever a subdivision located within the platting jurisdiction of the city is proposed, the owner and/or subdivider shall schedule a preapplication meeting with the Zoning Administrator. The meeting should be attended by the Plats Officer Zoning Administrator, City Clerk, and such other city, engineering or utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable. The purpose of such meeting shall be to acquaint the city with the proposed subdivision, and to acquaint the subdivider with the subdivision requirements, procedures, zoning regulations and controls, and other related planning documents. The subdivider, for convenience of discussing the proposed subdivision, may provide a map or sketch showing the location of the subdivision, the preliminary location of streets and other improvements and the general layout of intended land uses.

Section 4.2. SUBDIVISION CLASSIFIED.

Any proposed subdivision or resubdivision shall be classified as a minor subdivision or a major subdivision.

- a. ***Minor Subdivision:*** Any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require 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.

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 omit the submission of a preliminary plat.

Section 4.3. REQUIREMENTS OF THE PRELIMINARY PLAT.

The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show, on a map, all facts needed to enable the Planning and Zoning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

- 1) **GENERAL.** The subdivider shall prepare and file with the City Clerk twenty (20) copies of the preliminary plat including a title, scale, north point and date and drawn at a scale of one inch equals one hundred (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.

- 2) NAME. Proposed name of the subdivision that shall not duplicate or reassemble existing subdivision names in the City of Larchwood or in Lyon County.
- 3) OWNER. The name and address of the owner and the name, address, and profession of the person preparing the plan.
- 4) LEGAL DESCRIPTION. The legal description of the area being platted.
- 5) KEY MAP. A key showing the general location of the proposed subdivision in relation to surrounding developments.
- 6) NEIGHBORS. The names and locations of adjacent subdivisions and the names of owners and location of adjoining parcels of unplatted land. A list of all owners of record of property and residents located within two hundred feet (200') of the subdivision boundary shall be attached. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- 7) ZONING. Existing and proposed zoning of the proposed subdivision and adjoining property.
- 8) CONTOUR. 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.
- 9) BOUNDARIES. 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.
- 10) LOT LAYOUT. The layout, numbers, and approximate dimensions of proposed lots.
- 11) STREETS. The proposed names for all streets in the area being platted. The location, width, and dimensions of all streets and alleys proposed to be dedicated for public use.
- 12) UTILITIES. Present and/or proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, street lighting and telecommunication utilities, and other facilities and the locations of each.
- 13) EASEMENTS. Present and/or proposed easements, showing locations, widths, purposes and limitations.
- 14) PUBLIC USE. 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 comprehensive plan or other adopted plans.
- 15) ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as requested by the Planning and Zoning Commission or City Council.
- 16) FEE. The platting fee, as required by this ordinance and as established by resolution of the City Council.

17) ACCOMPANYING MATERIAL.

- a. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
- b. Written statement by the appropriate officials and/or utility providers of the availability of gas and electricity to the proposed subdivision.
- c. Written statement explaining how and when the subdivider proposes to provide and install all improvements required by this ordinance. Such statement shall acknowledge required inspections and approval by the City Council.

Upon conditional approval of the preliminary plat, the owner of a new subdivision or resubdivision shall not be permitted to sell any lots therein or develop thereon until a final plat has been approved by the City Council and officially recorded in the office of the Lyon County Recorder.

Section 4.4. PROCEDURE FOR PRELIMINARY PLAT APPROVAL.

In obtaining approval of a proposed subdivision by the City Council, the subdivider shall submit a preliminary plat in accordance with the requirements hereinafter set forth and install required improvements thereon.

- 1) The subdivider shall first prepare and file with the city, eight (8) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance. The City Clerk, upon receipt 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 to the Mayor and members of the Planning and Zoning Commission for review and consideration.
- 2) The City Clerk, at his/her discretion, or at the recommendation of the Planning and Zoning Commission, may refer the preliminary plat to the city engineer or other professional assistance as it deems necessary to review and evaluate the plat as submitted. The city engineer or other professional assistance shall then submit their findings and recommendation back to the Planning and Zoning Commission for consideration.
- 3) The Planning Commission shall examine the preliminary plat and other material as it deems necessary or desirable, to ascertain whether the plat conforms to these regulations. The Planning and Zoning Commission may confer with the subdivider on changes deemed advisable and the extent of such changes or improvements to be made. The commission shall approve or reject the preliminary plat within forty-five (45) days after the date the commission reviews the preliminary plat. If the commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved, provided however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days.
- 4) If approved, the Planning and Zoning Commission shall express such approval in its minutes. If such recommendation is to disapprove or modify the plat, the Planning and Zoning Commission shall express its disapproval and its reasons therefore. The action of the commission shall be forwarded to City Council.

- 5) The City Council, upon receipt of the Planning and Zoning Commission's recommendation, and within sixty (60) days, or an extension thereof, shall by resolution grant approval or reject the preliminary plat. If the preliminary plat is rejected, the council shall advise the owner or developer of any changes that are desired or should have consideration before approval will be given. 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.
- 6) Upon approval of the preliminary plat by the City Council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat by the City Council shall be valid for a period of 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.

Section 4.5. 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.

ARTICLE V

Final Plat Procedures and Submission Requirements

Article 5: Final Plat Procedures and Submission Requirements

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Section 5.1. REQUIREMENTS 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 eight (8) 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. The final plat shall be clearly marked "Final Plat" and shall show the following:

- 1) **GENERAL.** The final plat shall be drawn at a scale of not more than one inch equals forty feet (1" = 40'). A scale greater than one inch (1") to forty feet (40') may be used if prior approval is obtained from the Planning Commission. The sheet size shall not exceed twenty-four by thirty-six inches (24"x36"), or be smaller than eight and one-half inches by eleven inches (8½"x11") and shall be of a size acceptable to the Lyon County Recorder. Where more than one sheet is used, each sheet shall clearly show the number of the sheet and the total number of sheets in the plat included in the plat, and match lines indicating where other sheets adjoin.
- 2) **TITLE OF SUBDIVISION.** The title or name of which the subdivision is to be recorded.
- 3) **OWNER.** The name and address of the owner of the fee title to the real estate contained within the subdivision, and the name, address, and profession of the person preparing the plan.
- 4) **SCALE.** A scale, north arrow, and date on each sheet.
- 5) **BENCHMARKS AND SURVEY MONUMENTS.** The location, type, materials and size of all monuments and markers including all United States, Iowa, Lyon County or other official benchmarks, as required by Chapter 355.6, Code of Iowa.
- 6) **SURVEY DATA.** The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, block, streets and alleys, easement and street center lines. These should be exact and complete to include all distances, radii, arches, chords, points of tangency and central angles. All distance, bearing, curve notes for all curves included in the plat, and other survey data, as required by Chapter 355.7, Code of Iowa.

- 7) **ADJOINING PROPERTIES.** All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole 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. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
- 8) **BLOCK AND LOT NUMBERS.** Block and lot numbers and dimensions shall be shown.
- 9) **STREETS.** Street names and clear designation of the public alleys. If names are required they should be distinctive and not unnecessarily similar to existing street names. Street names may be required to conform to the city plan or by City Council's direction. Street right-of-way lines with accurate dimensions in feet and hundredths of feet. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc. to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end profile shall be at the left side of the drawing.
- 10) **PUBLIC LAND.** 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.
- 11) **EASEMENTS.** Any easement shown on the plat shall depict accurate locations and descriptions for such easements and any limitations; and 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.
- 12) **LAND RESERVED BY SUBDIVIDER.** 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.
- 13) **ERROR.** The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- 14) **SURVEYOR'S CERTIFICATE.** A statement or certification by a registered land surveyor of the State of Iowa 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.

Section 5.2. ATTACHMENTS TO THE FINAL PLAT.

The final plat shall have the following attached when presented to the City Clerk for filing.

- 1) **DESCRIPTION.** A correct legal description or metes and bounds description of the subdivided land.

- 2) **ABSTRACT OF TITLE.** A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.
- 3) **OWNER CERTIFICATE.** A certificate by the owner and the owner's spouse, if any, that the subdivision is platted with 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.
- 4) **COUNTY TREASURER CERTIFICATE.** A certificate from the Lyon County Treasurer that the subdivision land is free from unpaid taxes. Certificate to be signed at time of plat recording.
- 5) **COUNTY RECORDER CERTIFICATE.** A certificate from the Lyon County Recorder that the title is free from all encumbrances other than those secured by an encumbrance bond. Certificate is to be signed at time of plat recording.
- 6) **COURT CERTIFICATE.** A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, or mechanics or other liens of record. Certificate is to be signed at time of plat recording.
- 7) **CERTIFICATE OF DEDICATION.** A certificate of dedication to the city, properly executed, for all streets intended as public streets, and for any other property intended for public use, except for areas outside the corporate limits.
- 8) **ENCUMBERANCE BOND.** The encumbrance bond, if any.
- 9) **DRAINAGE PLANS.** Drainage plans for the removal of storm water. These drainage plans require that storm water drainage can not exceed pre-development flow rates. Grading shall be designed so that all surface water shall be conducted to a street storm sewer or to a natural water course. No water course shall be altered so as to divert surface drainage from one watershed to another.
- 10) **SATISFACTORY IMPROVEMENTS.** An engineer's certificate submitted on behalf of the owner or developer stating that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans and specifications of street improvements and utilities showing location, size, and grade for all improvements shall have been provided to the city engineer. In lieu thereof, the city may certify that a performance bond guaranteeing completion has been approved by the city attorney and filed with the city, or that the City Council has agreed that the city will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.
- 11) **PRIVATE IMPROVEMENTS.** Although private streets shall be discouraged from being platted in Larchwood, Iowa, if private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the city attorney, providing for the construction or reconstruction of any improvements to

meet city standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance, shall be required.

- 12) **RESOLUTION ACCEPTING IMPROVEMENTS.** Where improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.
- 13) **FEE.** The applicable fee, if any.

Section 5.3. PROCEDURES FOR FINAL PLAT APPROVAL.

In obtaining final approval of a proposed subdivision by City Council, the subdivider shall submit a final plat in accordance with the requirements herein set forth and install required improvements thereon.

- 1) Before submitting the final plat to the Planning and Zoning Commission for approval, the subdivider shall furnish to the city all plans and information, including eight (8) copies of the final plat conforming in detail to the requirements set forth in this ordinance. The City Clerk shall file one copy in the records of the city, shall retain one copy for the public inspection, and shall forward the remaining copies to the Planning and Zoning Commission.
- 2) The City Clerk, at their discretion, or at the recommendation of the Planning and Zoning Commission, may refer the final plat to the city engineer or other professional assistance as it deems necessary to review and evaluate the plat as submitted. The city engineer or other professional assistance shall then submit their findings and recommendation back to the Planning and Zoning Commission for consideration.
- 3) The Zoning Administrator and the city engineer shall examine the plat as to its compliance with the ordinances and standards of the city, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.
- 4) If the final plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the City Council for review. If the final plat is found not to conform to the preliminary plat, it shall be referred to the Planning and Zoning Commission for review, prior to review by the City Council. The commission shall approve or reject the preliminary plat within forty-five (45) days after the date the commission reviews the preliminary plat. If the commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved, provided however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days.
- 5) If approved, the Planning and Zoning Commission shall express such approval in its minutes. If the recommendation is to disapprove or modify the final plat the Planning and Zoning Commission shall express its disapproval and its reasons therefore. The action of the commission shall be forwarded to City Council.

- 6) The City Council, upon receipt of the Planning and Zoning Commission's recommendation, and within sixty (60) days, or an extension thereof, shall by resolution grant approval or reject the final plat. If the final plat is rejected, the council shall advise the owner or developer of any changes that are desired or should have consideration before approval will be given. If the plat is found to conform to the ordinances and standards of the city and the comprehensive plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the City Council shall approve the final plat, and shall cause its approval to be entered on the plat as required by law.

Section 5.4. 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, or City Clerk on behalf of the 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.

The city engineer or other designated inspector shall make a final inspection of all streets, utilities and other improvements as required. The subdivider shall maintain all improvements for one (1) year after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the City Council or by the posting of a maintenance bond in favor of the council, both in the amount of five percent (5%) of the estimated cost of the improvements. Thereafter, the city may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program which may require special assessments from the individual property owners.

Section 5.5. PERFORMANCE BOND PERMITTED.

The subdivider shall post with the City Council a performance bond equal to the council's approved estimate of construction costs, guaranteeing satisfactory completion of all improvements whether within the city or planning area, in a period not exceeding two (2) years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa. If a performance bond is posted, such bond shall be subject to review by the city attorney prior to acceptance; and shall indemnify the City of Larchwood from any and all costs or losses of the development and construction. However, if a performance bond is posted, final acceptance of the final plat will not constitute final acceptance by the city of any improvements to be constructed.

ARTICLE VI Design Standards

Article 6: Design Standards

- Section 6.1. Standards Prescribed
- Section 6.2. Land Suitability
- Section 6.3. Land Subject to Flooding
- Section 6.4. Construction Standards for Improvements
- Section 6.5. Streets
- Section 6.6. Alleys
- Section 6.7. Easements
- Section 6.8. Blocks
- Section 6.9. Lots
- Section 6.10. Plat Markers and Monuments

Section 6.1. STANDARDS PRESCRIBED.

The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare of the community. The following design standards shall be followed by all developers in subdividing or resubdividing land. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

Section 6.2. 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, general welfare, property, aggravate erosion or flood hazards, or if, from adequate investigations, conducted by all the public agencies concerned it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

- 1) If a subdivision is found to be unsuitable for any of the reasons cited in this section the Planning and Zoning Commission or City Council shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission or City Council may re-affirm, modify or withdraw its determination of unsuitability.
- 2) The City Council may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, or which would necessitate an excessive expenditure of public funds for the supply of such services as undue maintenance costs for adequate roads.

Section 6.3. LAND SUBJECT TO FLOODING.

Subdivisions containing land located in a floodway or a flood hazard area shall not be approved by the city without the approval of the Iowa Department of Natural Resources. All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and

planned installations and shall be suitable for development as allowed by the Larchwood Zoning Ordinance for the zone in which the lot is located. Subdivisions, including mobile home parks, shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage.

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.

- 1) Shown on individual lots in the subdivision, subject to the limitations of this section.
- 2) Reserved as open space for recreational 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.
- 3) If acceptable to the city, dedicated to the city as public open space for recreation or flood control purposes.
- 4) Comply with the Larchwood Zoning Ordinance and any other specific floodplain ordinance of the city.

Section 6.4. CONSTRUCTION STANDARDS FOR IMPROVEMENTS.

In addition to the standards set forth in this ordinance, the city engineer shall from time to time prepare, and the City Council shall from time to time adopt a resolution, and technical standards for public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the City Council by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

Section 6.5. STREETS.

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

- 1) The arrangement of streets in a subdivision shall provide for the continuation or appropriate projection of existing 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 comprehensive plan or the street plan, the plat shall provide for such street, unless variations are recommended by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- 2) Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
- 3) Streets and alleys shall be completed to grades that have been officially determined or approved by the City Council. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares or ten (10) percent for

minor or local service streets. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the city.

- 4) In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would lend themselves to attractive treatment.
- 5) Minimum rights-of-way and roadway widths shall be provided in accordance with the Iowa Department of Transportation's SUDAS (*Iowa Statewide Urban Design Standards for Public Improvements*) manual.
- 6) 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.
- 7) Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets or thoroughfares. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
- 8) Streets shall intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty degrees (60°).
- 9) When connecting street lines deflect from each other at any one point by more than ten degrees (10°), they shall be connected by a curve with a radius adequate to insure sight distance of not less than two hundred feet (200').
- 10) Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed 500 feet in length unless a greater length is unavoidable. Cul-de-sacs shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred thirty feet (130') in the case of residential subdivisions. A turnaround diameter greater than one hundred thirty feet (130') may be required in the case of commercial or industrial subdivisions if deemed necessary.
- 11) 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 appropriate resubdivisions with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the City Council are made a requirement of the plat.
- 12) All newly platted streets shall be named in a manner conforming to the prevailing street naming system. Streets that are in alignment with others already existing, or with a street that may logically be extended although the various portions may be at a considerable distance from each other, shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the City Council.

- 13) Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots. The street layout shall provide vehicular access to such frontage roads by one of the following means:
- a) A parallel street, supplying frontage for lots backing onto the trafficway.
 - b) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
 - c) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
 - d) A service drive or alley at the rear of the lots.

Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the trafficway.

- 14) Private streets, not dedicated to the city, shall be avoided. The City Council may approve a private street where unusual conditions 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.
- 15) Other Considerations.
- a) The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - b) Street jogs with centerline offsets of less than one hundred twenty five feet shall be prohibited, except where topography or other physical conditions make such jogs unavoidable.
 - c) No dead-end streets or alleys will be permitted except at subdivision boundaries.
 - d) Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is otherwise approved.
 - e) Intersection of more than two streets at a point shall not be permitted.

Section 6.6. ALLEYS.

Alleys may be required in business areas and industrial districts. Alleys will not be approved in residential districts except where justified by unusual conditions.

- 1) Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision has been made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- 2) The width of any alley shall be a minimum of twenty feet (20').
- 3) Dead end alleys shall not be allowed.

Section 6.7. EASEMENTS.

- 1) Utility Easements. Easements across lots or centered on rear or side lot lines of all lots shall be provided where otherwise required by the present or future placement of public and

private utilities. Easements shall be at least ten feet (10') in width and shall be granted by the owner along rear, and where necessary, along side lot lines for utility requirements. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or City Council. Utility easements shall convey to the city, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of wires, cables, fiber optic lines, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet (4') from the wires or poles, together with the right to extend to any telephone, telecommunications, electric or power company the right to use, separately or jointly with the city, the areas included in the easement for the purposes previously stated.

- 2) Easements along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the city an easement along said stream or watercourse as necessary for the proper widening, improving or maintenance of the watercourse, and as approved by the city. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of twenty feet (20') on each side plus stream design width.

Section 6.8. BLOCKS.

The following standards shall apply to the layout of blocks in all subdivisions, and to the extent possible, in all resubdivisions:

- 1) No residential block shall be more than thirteen hundred feet (1,300') or less than three hundred feet (300') in length 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.
- 2) In blocks over seven hundred feet (700') in length, the City Council may require at or near the middle of the block a public way or easement of not less than ten feet (10') in width for use for public utilities.
- 3) At street intersections, block corners shall be rounded with a radius of not less than twenty feet (20') or other such distance 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.
- 4) The size and shape of blocks or 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.

Section 6.9. LOTS.

The following standards shall apply to the layout of lots in all subdivisions, and to the extent possible, in all resubdivisions.

- 1) Generally, the lot arrangement and design shall be such that all lots provide satisfactory and desirable building sites properly related to topography, drainage, sanitation, character of adjacent developments and surrounding land uses.
- 2) Minimum lot dimensions and sizes shall conform to all requirements of the zoning ordinance for the zone in which the lot is located.
- 3) Corner lots shall not be less than twenty feet (20') greater in width than the minimum required interior lot width to permit adequate building setbacks on both front and side streets.
- 4) Reversed frontage lots are prohibited. Double frontage or through lots, other than corner lots, shall be avoided except where such essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography. The front and rear of double frontage lots shall be identified on the plat and no access will be allowed from the rear yard street.
- 5) All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least thirty-five (35) feet measured as a straight line between the two front corners.
- 6) 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.
- 7) Side lot lines shall be at right angles to the street lines or radial to curved street lines, except where in the judgment of the City Council a variation to this provision will provide better street and lot layout.

Section 6.10. PLAT MARKERS AND MONUMENTS.

- 1) Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points with an iron pin or pipe monument at least thirty inches (30") long, five-eighths (5/8") in diameter re-rod, with a surveyor's identification cap attached, or as per State Code.
- 2) A permanent bench mark 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.
- 3) Developer shall provide the county with GPS (Global Positioning System) coordinates on all plat markers.

ARTICLE VII Improvements

Article 7: Improvements

- Section 7.1. Improvements Required
- Section 7.2. Inspection
- Section 7.3. Resubdivisions
- Section 7.4. Minimum Improvements
- Section 7.5. Alternative Systems for Sewer or Water
- Section 7.6. General Requirements for Installation of Utilities
- Section 7.7. Specifications

Section 7.1. IMPROVEMENTS REQUIRED.

The subdivider shall be responsible for the installation and construction all improvements required by this ordinance, and shall warrant the design, material and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after completion. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the city, and as shown on the approved preliminary plat. Before the city approves 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 Planning and Zoning Commission shall report that said improvements meet city specifications and ordinances or other requirements and agreements between the subdivider and the city.

This requirement may be waived if the subdivider will post a performance bond with the City of Larchwood, Iowa, guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. If a performance bond is posted, such bond shall be subject to review by the city attorney prior to acceptance; shall specifically assure the expedient installation and completion of all improvements within the specified construction time period; and shall indemnify the City of Larchwood, Iowa, from any and all costs or losses of the development and construction.

Section 7.2. INSPECTION.

All improvements shall be inspected to insure compliance with the requirements of this ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the city. The subdivider shall furnish the city engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the city engineer not less than twenty-four (24) hours in advance of readiness for required inspections.

Section 7.3. RESUBDIVISIONS.

The City Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of

dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

Section 7.4. MINIMUM IMPROVEMENTS.

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

- 1) **STREETS.** The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the city. Under some circumstances the city may require, as a condition for approval of the plat, dedication and improvement of 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 will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the city, become the property of the city.
- 2) **CURB AND GUTTER.** Curb and gutter shall be constructed on streets proposed to be hard surfaced and as determined to be in the best interest of the city or required by City Council. Curb and gutter, if installed, shall be constructed of portland cement concrete to the grade, designs and specifications as approved by the City Council.
- 3) **STREET SURFACE.** All streets that the city is to maintain shall be surfaced with concrete cement or asphaltic concrete as may be required by the City Council.
- 4) **SIDEWALKS.** Sidewalks may be required by the City Council, upon recommendation by the Planning and Zoning Commission, if they are considered necessary for the general welfare and safety of the citizens of the community. Sidewalks shall be constructed to the grade approved by the council.
- 5) **STREET SIGNS.** The developer shall provide the subdivision with acceptable street signs at the intersection of all streets.
- 6) **FIRE HYDRANTS.** Fire hydrants shall be placed so that no lot in a residential subdivision is more than three hundred feet (300') from two (2) fire hydrants, the distance to be measured along street lines, provided water mains are available. The City Council may require more appropriate spacing in commercial and industrial districts.
- 7) **NATURAL PLANTINGS.** Trees and shrubs may be planted within the street right-of-way or utility or drainage easements, where approved by the City Council. Plantings and fences at intersections shall be so located as to maintain adequate sight distance according to regulations identified in the Larchwood Zoning Ordinance.
- 8) **SANITARY SEWERS.** 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. The subdivider shall connect or provide for the connection to such wastewater sewer including all necessary pumping stations, force mains, 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 an approved treatment facility or connection with the city's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the city and at the sewer grades as established by the city. The developer shall stub a sewer service line into each lot being developed. Sanitary sewer systems shall be approved by the City Council and the Iowa Department of Natural Resources and such other agency or department of the state as shall from time to time be designated and charged with the regulatory authority over use, installation and maintenance of sanitary sewer facilities. Under certain 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 will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the city, become the property of the city.

- 9) **WATER LINES.** The subdivider of land being platted shall install and connect with existing water mains to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area. The subdivider shall provide the subdivision with a complete water supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the city's water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the standards and design approved by the city council. Water service lines shall be installed to the property line of all platted lots and terminated by a curb stop by the developer. Under some circumstances the city may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the city water distribution system as it relates to both the area being platted and other areas. In such event the city will pay the subdivider the difference in cost of installation between the larger water main and the water main reasonable to meet the foreseeable needs of the area. The water mains shall, upon inspection, approval, and acceptance by the city, become the property of the city.
- 10) **STORM WATER.** Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the city council. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water. Storm water drainage can not exceed pre-development flow rates. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. 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 areas, 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 will pay the subdivider the difference in cost installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The sewers shall, upon inspection, approval, and acceptance by the city, become the property of the city.

- 11) **MARKERS.** The developer shall place markers/monuments as required in Article VI, Section 6.10.

Section 7.5. ALTERNATIVE SYSTEMS FOR SEWER OR WATER.

Where connection to the city sewer or water system cannot reasonably be made, the city may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate facilities shall be designed in the interest of public health, safety and welfare; and shall meet all requirements of the Iowa Department of Natural Resources, county and other applicable health regulations. Prior to granting approval of such alternate systems, the city shall require that the owner and subdivider provide to the city a waiver of assessment protest or such other legally binding documents necessary to protect the city from the expense of the subsequent installation of sewer or water facilities.

Section 7.6. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES.

The City Council may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground, if it is determined to be within the best interest of the community or adjoining properties. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be completely installed and approved through the length of the street and across the flat section.

Section 7.7. SPECIFICATIONS.

The type of construction, materials, methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the city for approval prior to construction and construction shall not be started until plans and specifications have been approved.

ARTICLE VIII PUBLIC SPACE DEDICATIONS

Article VIII: Public Space Dedications

- Section 8.1. Park, Open Space & Public Use Dedications
- Section 8.2. Parks and School Sites Reserved
- Section 8.2. Other Public Space Regulations

Section 8.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.

All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of their residents. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space, provided there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefitting from such open space. Where any planned or proposed public use, public parks, public recreation areas, or public access to water frontage which is shown on an official map or on the future land use map as part of the city's comprehensive plan is located in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of such public open space within the proposed subdivision.

Section 8.2. PARKS AND SCHOOL SITES RESERVED.

Proposed park sites and school sites shall be reserved for three (3) years, giving the city, school district, 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 school district or public entity. Should the park site or school site not be purchased within three (3) years, the subdivider may then amend the final plat.

Section 8.3. OTHER PUBLIC SPACE REGULATIONS.

Public spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site which is undesirable for such public or civic uses. Natural features, historic sites, and similar community assets shall be preserved in parks and open spaces within the subdivision.

ARTICLE IX ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article IX: Administration, Enforcement & Amendment

Section 9.1.	Fees Established
Section 9.2.	Penalties
Section 9.3.	Enforcement
Section 9.4.	Variances
Section 9.5.	Amendments
Section 9.6.	Severability and Validity
Section 9.7.	Repealer
Section 9.8.	Effective Date
Section 9.9.	Adoption

Section 9.1. FEES ESTABLISHED.

The City Council shall, from time to time establish by resolution, fees for the review of plats. No plat for any subdivision or resubdivision 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. No fees shall be charged for public land plats submitted by a governmental department of the city, plats submitted by any school board, or plats of property reserving or dedicating land to the city provided no other subdivision of land is shown thereon.

Section 9.2. PENALTIES.

Any owner or agent of the land located within the platting jurisdiction of the city, who knowingly or with intent to defraud, transfers, disposes or sells or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not more than five hundred dollars (\$500.00) each day for each lot so transferred, disposed of, leased or offered for sale. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the zoning administrator or other appropriate official may bring action to enjoin such erection or cause it to be vacated or removed. 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.

Section 9.3. ENFORCEMENT.

In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated subject to the following:

- 1) No plat or subdivision in the City of Larchwood or within the extraterritorial jurisdictional area thereof (subject to exceptions as provided in Chapter 354.14, Code of Iowa), 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 ordinance and has been approved by the City Council as prescribed herein.
- 2) No building or zoning permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this 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.

- 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 this ordinance unless such subdivision and streets have been approved in accordance with the provisions of this ordinance and the street accepted by the City Council as a public street.

Section 9.4. VARIANCES.

Where it can be demonstrated to the satisfaction of the City Council that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider or owner of property, or impose unreasonable restrictions on development of a tract of land because of unusual topography or other conditions not created by the subdivider, the Planning and Zoning Commission may recommend and the City Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest served and protected.

It is provided that such variance, modification or waiver granted under this provision shall in no way have the effect of nullifying the intent or purpose of this ordinance. Under no circumstances shall any variance or modifications be greater than the minimum easing of the requirements as necessary to eliminate the hardship, and in no instance shall such variation or modification be in conflict with any zoning ordinance. In so granting a variance, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived. It is specifically herein provided that any variance, modification or waiver by the City Council under the provisions of this section shall be granted only by the affirmative vote of four-fifths (4/5) of the members of the council.

Section 9.5. AMENDMENTS.

Any provisions of this ordinance may be changed and amended from time to time by the City Council; provided, however, that such changes or amendments shall first be submitted to the Planning and Zoning Commission for review and study. 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. Such notice shall be published in a newspaper of general circulation at least once, not less than four (4) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

Section 9.6. SEVERABILITY AND VALIDITY.

Should any section, provision or part of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof, other than the part declared to be invalid or unconstitutional.

Section 9.7. REPEALER.

No final plat of land within the force and effect of the zoning ordinance shall be approved unless it conforms to this ordinance. 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 applies.

Section 9.8. EFFECTIVE DATE.

This ordinance shall be in full effect from and after its final passage, approval and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

Section 9.9. ADOPTION.

ORDINANCE NO. _____

Passed and approved this _____ day of _____, 2011.

Mayor, City of Larchwood

Attest:

Larchwood City Clerk

I hereby certify that the foregoing was published as Ordinance No. _____ in the City of Larchwood, Iowa on the _____ day of _____, 2011.