

## **SUBDIVISION REGULATIONS**

### **CHAPTERS**

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**16.01 TITLE.** This Ordinance shall be known and may be cited as the Subdivision Ordinance of the City of Norwalk, Iowa and may be referred to herein as this Title or this Ordinance. This ordinance is adopted pursuant to the home rule authority of Article 3, Section 38A of the Iowa Constitution and Chapters 354 and 355 of the State Code of Iowa, 2005.

**16.02 PURPOSE** It is deemed essential to establish minimum standards for the design and development of subdivisions to:

1. Provide for accurate, clear, and concise legal descriptions and identification of ownership of real property consistent with zoning and land use regulations and to prevent wherever possible, land boundary disputes and real estate title problems;
2. Regulate the extension and construction of public improvements, public services and utilities, the improvement of land, and the design of subdivisions consistent with the Comprehensive Plan and Zoning Ordinance or other plans as may be adopted by the City Council of Norwalk, and;
3. Provide adequate land and infrastructure for building sites, transportation, parks, open spaces, trails, drainage ways, utilities and public facilities for orderly community development and adequate capacity for streets and utilities serving the development of land in the City.

**16.03 JURISDICTION.** All plats of survey and subdivisions, including Auditor's plats, plats and re-plats within the corporate limits of the City and unincorporated areas within two (2) miles of the corporate limits of the City shall be submitted to the City for review in accordance with the provisions of this Title. The division of land within unincorporated areas within two (2) miles of the corporate limits of the City shall be reviewed as authorized by Section 354.9 of the Code of Iowa and as may be established by agreement with Warren County or neighboring cities pursuant to Chapter 28E of the Code of Iowa to set forth reasonable standards and conditions for review of subdivisions within areas of overlapping jurisdiction.

The following requirements, conditions and restrictions shall apply to the division of land or real property, or construction of public improvements within the jurisdiction of this Title:

1. The regulations herein shall apply to the division of a lot, tract, or parcel of land into parcels, lots, building plots or sites, or other divisions of land or real property for the purpose, whether immediate or future, of sale, transfer for building development, right of way dedication, or other use. However, these regulations shall not include divisions of land into aliquot parts or more for agricultural purposes.
2. No plat or subdivision shall be recorded or officially recognized by the City until all provisions and approvals set forth in the regulations of this Title have been met.
3. The City, its employees or agents shall not issue permits for any structure located on a lot in any subdivision that does not lawfully exist at the date of approval of this ordinance, or has been approved in accordance with the provisions of this Title.
4. The City, its employees or agents shall not permit any improvement or expenditure of City funds for such improvement of streets, sanitary sewer facilities, water facilities, storm sewer facilities or other improvements that shall become the jurisdiction of the City unless such improvement complies with the City's construction standards for public improvements.
5. The conversion of existing buildings or the construction of new buildings, with the intent to establish the ownership of real property as a condominium shall comply with the requirements, conditions and restrictions of this Title and Chapter 499B of the Code of Iowa.

**16.04 DEFINITIONS.** For the purpose of this Title, certain terms and words are herein defined:

1. "Access" means the location, place, means or way by which pedestrians or vehicles have ingress and egress to a property, parking area, loading area, walkway or roadway.
2. "Access frontage street" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides direct access to abutting properties.
3. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right of way purposes by an agency of the government or other persons having the power of eminent domain.
4. "Active recreation area" means that part of a park that can be utilized for the placement of intensive recreational facilities including athletic fields, tennis and basketball courts, playground equipment, swimming pools, wading pools, ice skating rinks, shelters, other similar uses and ancillary facilities including parking and restroom facilities. An active recreation area shall have sufficient level areas uninterrupted by obstructions, extreme slopes, water courses, drainage ways and swales to permit its development with optimum undisturbed slopes ranging from 1.5 % Minimum to 5.0% maximum.
5. "ADT" means Average Daily Trips.
6. "Agriculture" means the use of land for agricultural purposes, including animal husbandry, apiculture, dairy, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.

7. "Airport" means the Des Moines International Airport.
8. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.
9. "Alley" means a private or public roadway, other than a street, not less than twelve (12) feet or more than twenty (20) feet in width that provides a secondary means of access to an abutting lot and adjoins the rear or side lot lines of lots intended for the location of buildings within a subdivision.
10. "Apartment" means a room or suite of rooms used as the dwelling of a family, including sleeping, bath and culinary accommodations, located in an apartment building in which there are three (3) or more such rooms or suites where access to the dwelling is gained from a common central hallway or corridor unlike a row dwelling.
11. "Apartment house or building" means any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in said building, and includes flats and apartments.
12. "Aquifer" means a geological stratification in which porous and permeable conditions exist and thus are capable of yielding usable amounts of underground water.
13. "Aquifer recharge area" means an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater aquifers.
14. "Auditor's plat" means a subdivision plat required by either the Auditor or Assessor of the county, prepared by a surveyor under the direction of the Auditor, and in accordance with the City's Subdivision Regulations.
15. "Berm or berming" means the grading of earth into a small mound, series of small mounds, a levee shaped embankment or a combination thereof for the purpose of creating a visual barrier for screening or to be part of a landscape buffer.
16. "Block" means land lying within an area bounded on all sides by streets, or a combination of streets, parks, cemeteries, railroad or trail right of way, shorelines of water bodies, or boundary lines of municipalities.
17. "Board of Adjustment" means the Board of Adjustment of the City of Norwalk, Iowa.
18. "Borrow site" means any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.
19. "Breakaway support", for the purpose of this Title, means a support post for a structure within a street right of way that is designed and constructed to readily break or bend without creating significant damage to a vehicle or danger to its passengers upon impact with a structure.
20. "Buffer" means a landscaped area, wall, or other structure intended to separate or partially obstruct the view between two adjacent zoning districts, land uses, rear yard of properties or properties from one another. (Also see "screening.")
21. "Buffer zone" means an area reserved for the establishment, construction and continued maintenance of a buffer.
22. "Building" means any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any

portion thereof is entirely separated by walls in which there are no common walls, connecting doors or windows, or any similar opening, each portions so separated shall be deemed a separate building.

23. "Building envelope" means the contiguous area of a lot of sufficient shape to accommodate a principal building, exclusive of the minimum open-space requirement for yards, easements, on-site sewage disposal areas, well areas, and areas subject to flooding.

24. "Building frontage" means that wall or side of a building which is adjacent and most nearly parallel to a street.

25. "Building line" means the extreme overall dimensions of the building as determined from its exterior walls or any component of its structural support that is nearest to the property line, other than usual uncovered steps, patios and decks.

26. "Building plot or site" means the ground area of one (1) lot, or the ground area of two (2) or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces and yards required by the Zoning Ordinance. (See "lot.")

27. "Cemetery" means land used or intended to be used for the burial of the dead, including mausoleums, columbariums and crematoriums when operated in conjunction with and within the boundary of such cemetery.

28. "Cemetery plot" means a parcel of land within a cemetery platted as a lot of sufficient size to accommodate the burial of the dead or placement of a burial tomb that does not comply with minimum lot size, lot dimensions and building setbacks required for the construction of buildings within the zoning district.

29. "Centerline, street" means the line running parallel with the street right of way boundaries and which is half the distance between the extreme edges of the right of way.

30. "Certified survey" means a sketch, plan, map or other exhibit bearing a written statement of its accuracy of conformity to specified surveying standards which is signed and sealed by a registered surveyor.

31. "Channel" means a natural or artificial watercourse of perceptible extent, with a definite bed and definite banks to confine and to conduct continuously or periodically flowing water.

32. "City" means the city government of the City of Norwalk, Iowa when used within this Title.

33. "City Administrator" means the City Administrator for the City of Norwalk, Iowa.

34. "City Engineer" means the civil engineer or consulting civil engineering firm designated to fulfill the functions of City Engineer for the City of Norwalk, with respect to administration of this Title.

35. "City standards" means standards for design and construction of public improvements and any other regulations and standards adopted by the City that applies to the development of land.

36. "Clear-cutting" means the indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for development purposes. This definition does not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees, or; normal mowing operations.

37. "Clear zone" for the purpose of this Title, means an unobstructed flat area adjacent to the roadway between the roadway or back of curb and right of way line that is available for the recovery of traveling vehicles that may errantly leave the designated roadway.
38. "Clerk" means the City Clerk of the City of Norwalk.
39. "Cluster box unit (CBU)" for the purpose of this Title, means a cabinet designed and manufactured in accordance with the specifications of the United States Postal Service with multiple compartments intended to receive the delivery and for the repository of mail.
40. "Cluster development" means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
41. "Commission" means the Planning and Zoning Commission of the City of Norwalk.
42. "Community Development Director" means the designated Community Development Director for the City of Norwalk, or any other agent of the City designated to fulfill the functions and duties of Community Development Director with respect to this Title.
43. "Community Park" means a public park established as the center of recreational activities for several neighbor hoods or the entire City. Community parks are major facilities designed to satisfy the widest spectrum of interests. In general, they are "drive-to" facilities where families or organizations can find a sufficient variety of activities and opportunities to occupy several hours or an entire day. Community parks generally range in size from a minimum of 20 acres to 100 acres or more, depending on the type and location. Community Parks may be an area of environmental diversity including areas for both active recreation and passive recreation or specialize in fulfilling a specific community need of active recreation or passive recreation.
44. "Complex" means a planned, coordinated development of a tract of land with two or more separate buildings. Such development is planned, designed, and constructed on an integrated and coordinated basis with special attention given to the master planning of on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.
45. "Comprehensive Plan" means the Comprehensive Plan for the City of Norwalk that sets forth the City's long range plans for land use, transportation, parks, trails, city expansion, growth management and development policies to guide the City's growth and from which the City's Zoning Map, zoning regulations and land development shall be based.
46. "Condominium" means an estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
47. "Conservation easement" means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, wooded, or topographic condition, retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing slopes and land use.
48. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute

miles in radius, with extensions where necessary to include instrument approach and departure paths.

49. "Corridor preservation" means to preserve a right of way through the transfer of ownership, by easement or by an agreement, for a future public use as planned by the City or other public jurisdiction

50. "Council" means the City Council of the City of Norwalk.

51. "Cul-de-sac" A local dead-end street with one end having access for vehicular traffic and the other end terminated with a circular shaped vehicle turnaround.

52. "Curb level" means the top elevation of the established curb in front of a lot. Where no curb has been established, the City Engineer may establish such curb level or its equivalent.

53. "Dead-end street" means a street with one end closed, and has only one location for entry and exit.

54. "Deciduous" means plants that shed their foliage after a growing season.

55. "Dedication" means the act of transferring land or rights in land to the City or other government jurisdiction for public purposes that may include but not limited to roadways, utilities, parks, open space.

56. "Density, gross" means the number of dwelling units permitted per gross acre of land within a defined area including public streets and open spaces.

57. "Density, net" means the number of dwelling units permitted per net acre of land being developed exclusive of public streets and open spaces.

58. "Department" means the Department of Community Development of the City of Norwalk, Iowa.

59. "Developer" means a person, partnership, company, corporation or other entity engaged in development.

60. "Development" means any division or subdivision of land for purpose of building construction, or manmade change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

61. "Director" means the Community Development Director for the City of Norwalk, Iowa.

62. "Driveway" means a privately owned roadway giving access from a public street to a building plot or abutting property.

63. "Dwelling" means any building or portion thereof that is designed or used exclusively for human habitation with sleeping, cooking and bathroom facilities, but not including a tent, cabin, trailer, or mobile home and shall be designed to be placed on, supported by and attached to a continuous perimeter foundation, which shall be permanent and constructed in accordance with the Norwalk Building Code for site built housing.

64. "Dwelling, multiple-family" means a residential building designed as three (3) or more dwelling units.

65. "Dwelling, row" (See dwelling, single family attached)

66. "Dwelling, single-family attached" means any one (1) of two (2) or more horizontally attached single-family dwelling units in a continuous row with access to

each dwelling unit directly from the exterior of the building and not from a central hallway or corridor. (Same as a row dwelling.)

67. "Dwelling, single-family detached" means a detached building designed as one (1) dwelling unit, with a minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.

68. "Dwelling, two-family" means a residential building designed for two (2) dwelling units, with a minimum width of twenty (20) feet for more than 65% of the length of the building, exclusive of garages.

69. "Dwelling unit" means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one (1) family containing at a minimum sleeping, cooking and bathroom facilities.

70. "Easement" means a granted right by a land owner to a person, government jurisdiction, agency, or public utility company to use land owned by another for a specific purpose.

71. "Enforcement Officer" means an individual or position, such as the Community Development Director, City Engineer or other individual designated by the City Administrator to enforce the requirements of this Title.

72. "Engineer" means a registered civil engineer authorized to practice civil engineering in the State of Iowa pursuant to the Code of Iowa.

73. "Evergreen" means plants which maintain their green foliage throughout the year, including the winter season in temperate climates.

74. "FAA" means Federal Aviation Agency.

75. "FEMA" means Federal Emergency Management Agency.

76. "Fair Market Value" shall mean the current fair market value of land within a development at the time and immediately prior to the developer initiating the construction of a subdivision or development improvements, and shall include all of the land within the proposed development prior to additional internal improvements, but zoned to permit development with access to public streets and public utilities. If possible, the fair market value shall be determined by mutual agreement between the Council and Developer. If an agreement on the current fair market value cannot be reached by the parties, such value shall be determined by the parties appointing a qualified real estate appraiser with the cost of the appraisal being equally shared between the City and the developer.

77. "Farm" means land area comprising ten (10) acres or more which is used for agriculture purposes.

78. "Fill" means to raise the grade of land with the depositing of earth.

79. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

80. "Flood elevation" means the elevation floodwater reaches at a particular site during the occurrence of a specific flood. For instance, the one-hundred (100) year flood elevation is the elevation of flood waters related to the occurrence of the one hundred (100) year flood.

81. "Flood hazard areas" means areas subject to the periodic inundation by flood waters, including the overlay zoning districts designated as Floodway, Floodway Fringe, General Flood Plain and areas subject to shallow flooding or areas along drainage ways that are subject to flooding, but not within an overlay zoning district.

82. "Flood plain" means a land area susceptible to being inundated by water as a result of a flood.
83. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
84. "Flood profile" means a graph showing longitudinal sections of a designed waterway and the relationship of the water surface elevation of a flood event to any location along the watercourse.
85. "Flood proof" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, that will reduce or eliminate flood damage to such structures.
86. "Floodway" means the channel of a river, stream or other water course and those portions of the flood plain adjoining the channel, that are required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flow velocities or cumulative increase in the water surface elevation by more than one (1) foot.
87. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, levee, or otherwise obstructed without causing substantially higher flood levels or flood velocities.
88. "Freeboard" means a safety factor indicating the height above a projected flood occurrence level to which a levy or floodwall is constructed.
89. "Frontage" means the lot line adjoining a public street as measured along the street right of way.
90. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk or other public way, the above ground level shall be measured at the elevation of the sidewalk or public way.
91. "Half street" means a one-half width street right of way on the boundary of a subdivision dedicated by the developer to the City for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.
92. "Hazardous materials" means any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.
93. "Homeowners or property owners association" means a formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area; who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.
94. "Impervious surface" means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
95. "Lawful lot, structure, or use" means a lot, structure, or use which complies with the zoning regulations of the zoning ordinance or any other City, Federal or State law or regulation, or is grand-fathered under the terms and conditions of the zoning ordinance and is permitted to exist.

96. “Level of service” (LOS): means a stratification of travelers’ perceptions of the quality of service provided by a roadway facility as established by standards of the Iowa Department of Transportation and represented by the letters “A” through “F” with “LOS A” generally representing the most favorable or least congested driving conditions and “LOS F” representing the least favorable or most congested driving conditions.

97. “Linear greenbelt park” means an open space linear corridor planned within the City’s Comprehensive Plan and Comprehensive Park Plan that may include strips of open space along a water course or drainage way that serve as a public access to the water course and passive recreation areas with intermittent areas of active recreation facilities. Linear greenbelt parks are established for the purpose of preserving and protecting the mature tree cover, existing topography and flood hazard areas within the corridor and to provide a scenic connection between community and neighborhood parks for hiking, walking or biking with associated recreational and accessory amenities including but not limited to signage, paved trails, bridges, culverts, parking areas, play equipment, benches, shelters, restrooms and associated improvements and appurtenances.

98. “Local street” means a classification for a street that provides for the movement of traffic between collector streets and residential and commercial areas. Local Streets provide direct access to abutting residential and commercial property, and carries low traffic volumes at low speeds for relatively short trips. Local streets should be designed to carry forecasted traffic up to 1,500 ADT at a level of service C.

99. “Lot” for the purpose of this Title, means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have a frontage on a public street unless it is part of a townhouse complex or mobile home park, and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record; of complete lots of record and portions of lots of record or of portions of lots of record; and (d) a parcel of land described by a plat of survey or metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the Zoning Ordinance and this Title..

100. “Lot, Corner” means a lot located at the intersection of two (2) or more streets, and having the street right of way abut the front lot lines of the lot. A corner lot shall have an additional twenty (20) feet of required minimum width.

101. “Lot, Double Frontage” means a lot, with frontage on more than one (1) street or public thoroughfare that do not intersect.

102. “Lot, Flag” means a lot with access provided to the bulk of the lot by means of a narrow corridor which does not meet the minimum permitted lot width requirements at the minimum front yard setback or up to a distance of seventy-five (75) feet from the public street.

103. “Lot, Interior” means a lot other than a corner lot, having frontage on but one (1) street or public thoroughfare.

104. “Lot, Key” means a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.

105. “Lot, substandard” means a lot that has less than the required minimum area or width as required by the zoning district in which it is located.

106. “Lot area” means the gross area, exclusive of streets or other public rights-of-way, within the boundary lines of a lot.

107. "Lot depth" means the mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints at the front lot line and rear lot lines.

108. "Lot line" means a line dividing one lot from another lot or from a street or alley.

109. "Lot line, front" means the lot line which adjoins a public street right of way.

110. "Lot line, rear" means that boundary which is opposite and most distant from the front lot line. In the case of a corner lot, either of the lot lines opposite the front lot line may be selected as the rear lot line. In case of an interior triangular or gore-shaped lot, it means a straight line ten (10) feet in length which: (a) is parallel to the front lot line or its cord, and (b) intersects the two other lot lines at points most distant from the front lot line.

111. "Lot line, side" means any lot line that is not a front lot line or a rear lot line.

112. "Lot width" means the horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the permitted front yard setback.

113. "Lot of record" means a lot which is part of a plat recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of this Title, an existing contract of purchase at the time of the effective date of this Title also constitutes a lot of record.

114. "Maintenance surety or guarantee" means a surety to guarantee facilities, workmanship and the correction of any failures of any improvements required pursuant to this Title and regulations, or to maintain same.

115. "Major arterial" means a street classification that serves the center of an urbanized area's activities, the highest traffic volume corridors at relatively high speeds and the longest trips, and carries a high proportion of the total urban travel on a minimum of mileage. This system should be integrated both internally and between major rural connections. The major arterial street system carries most of the trips entering and leaving the urban area, as well as most of the through movements between cities bypassing the community. Access to major arterial streets is limited in order to provide maximum traffic capacity and through movement mobility. The back ward movement of vehicles from driveways on to major arterial streets is prohibited. Although no firm spacing rule applies in all or even in most circumstances, the spacing between major arterial streets may vary from less than one (1) mile in densely urbanized areas to five (5) miles in suburban low density fringe rural/residential areas. The Land Use Plan of the City's Comprehensive Plan shows planned major arterial street corridors. Major Arterial streets should be designed to carry forecasted traffic of more than 15,000 ADT at a level of service C.

116. "Major collector" means a street classification that provides for movement of traffic between arterial streets and minor collectors, and may collect traffic from local streets and residential and commercial areas. A major collector street generally does not have on-street parking to permit greater traffic flow, unless adequate pavement width is provided. Normally, a slightly higher emphasis is placed on through movements than direct land access. The back ward movement of vehicles from driveways on to major collector streets is discouraged. Additional right of way is required for major collector streets as compared to minor collector streets to accommodate utility and trail corridors and additional pavement width. Major collector streets should be designed to carry forecasted traffic of 2,500 to 7,500 ADT at a level of service C.

117. "Major thoroughfare" for the purpose of this Title, means a thoroughfare or street classified as Major Arterial, Minor Arterial, or Major Collector as defined within this Title.

118. "Master plan" means a schematic plan for a unified, coordinated development of a tract of contiguous land which is designed in an integrated and coordinated basis showing streets, water lines and appurtenances, sanitary sewers and appurtenances, storm water management facilities and appurtenances, lot boundaries, building locations, parking and loading areas, access drives, landscaping, existing and proposed grades, buffers, and other information as required to properly depict and communicate the proposed utilization, improvement and subdivision of the property.

119. "Metes and bounds description" means a description of land that uses distances and angles, or distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

120. "Minimum Building Opening (MBO)" for the purpose of this Title, shall mean the lowest elevation permitted for any opening to a building that will allow the passage of floodwater, including, but not limited to doors, windows, vents, pipe openings, holes or permeable wall material.

121. "Mini-park" means a park designed to be part of the neighborhood park system and to serve the active and/or passive recreational needs within a small area and designated as mini-parks on the City's Comprehensive Park Plan. Typically, they range in size from two (2) to five (5) acres, and are intended to serve up to 250 people living within a 1/4-mile radius of the site. Mini-parks may accommodate small play structures, court game facilities or other recreational opportunities that can be located on a small site.

122. "Minor arterial" means a street classification that interconnects with and augments the major arterial street system at lower speeds. It accommodates trips of moderate length at a lower level of through movement than major arterial streets. This street classification places greater emphasis on land access than the major arterial street, but still has specific limits on access points. The back ward movement of vehicles from driveways on to minor arterial streets is prohibited. This classification includes urban connections to rural collector roads where such connections have not been classified as urban major arterial streets. The spacing of minor arterial streets may vary from 1/8 mile to 1/2 mile in densely developed areas to two (2) miles in suburban fringe areas, but is normally not more than one (1) mile in fully developed areas. On-street parking is normally restricted on minor arterial streets to permit greater traffic flow. Minor Arterial streets should be designed to carry forecasted traffic of more than 7,500 ADT at a level of service C.

123. "Minor collector" means a street classification that provides movement of traffic between major collector streets and residential and commercial local streets, as well as providing access to abutting property at moderately low speeds. Consideration for through movements and direct land access is normally equal. Minor collector streets should be designed to carry forecasted traffic of 1,500 to 3,500 ADT at a level of service C.

124. "Minor subdivision" means a subdivision involving not more than four (4) lots, fronting on an existing approved public street(s), not requiring any new public streets for access to the interior property, not requiring extension of public sewer or municipal water, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or this Title.

125. "Mobile home park or factory built home park" means a development designated for mobile homes or factory built homes as defined by the Zoning Ordinance, with the placement of mobile homes or factory built homes on commonly owned property or on lots subdivided for the placement of individual mobile homes or factory built homes.

126. "Neighborhood park" means a park designed to meet the need for open areas of aesthetic value within a neighborhood and to allow active recreation, usually for comparatively short periods of time, to residents and visitors. Typically, they range in size from 5 to 20 acres, and are intended to serve up to 3,000 residents living within a radius of approximately one-half mile. Neighborhood parks may encompass adequate active recreation area to accommodate play fields, creative play areas, court game facilities, wading pools, ice skating rinks, picnic areas, shelters, restrooms, environmental education and interpretation and off-street parking.

127. "Neighborhood park system" means the network of active and passive recreational areas intended to serve a surrounding neighborhood including neighborhood parks, mini-parks, linear green belt parks and trails.

128. "Neighborhood sketch plan" means a schematically drawn plan for property proposed to be developed or platted with building sites and showing existing grades (minimum requirement of USGS 10 foot contour intervals), water courses, drainage ways, streets, trails, lots of record, park land and open space areas within the property and adjoining neighborhood, as well as proposed streets, building sites or lots, park sites, open space, linear greenbelt parks and trails.

129. "Noise and avigation easement" means an easement granted by a land owner to the Des Moines International Airport and all aircraft landing at the airport to use the air space above the described area of the easement for the airborne operation of aircraft, and to emit noise associated with the operation of the aircraft.

130. "Nonconforming lot" means a lot that lawfully existed prior to the adoption, revision, or amendment of the Zoning Ordinance and/or this Title, but which fails by reason of such adoption, revision, or amendment to conform to the new district regulations of the zoning district in which it is located.

131. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of the Code of Iowa and the regulations of this Title, and has been filed for record in the offices of the County Recorder, Auditor and Assessor.

132. "One hundred (100) year flood" means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or that on the average will be equaled or exceeded at least once every one hundred (100) years.

133. "Open space" means an area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include buildings, driveways, parking lots, display areas for retail sales of merchandise, loading areas, outdoor storage areas, or other surfaces designed or intended for vehicular travel.

134. "Parcel" means a part of a tract of land.

135. "Park" means any public land reserved for active and passive recreation including community parks, neighborhood parks, mini parks, open space hiking and biking trails, and linear greenbelt parks that may include but not limited to such facilities as playgrounds, play fields, swimming pools, ball courts, trails, shelters, and other similar uses associated with a designed recreation area. The term park is not intended to include private or public amusement parks, carnivals, or similar type activities.

136. "Park Commission" means the Parks and Recreation Commission of the City of Norwalk, Iowa.
137. "Passive recreation area" means that part of park that is not intended for active recreational use but has been reserved as open space for visual and psychological relief from the urbanized environment and may act as a large land area that is environmentally sensitive with woodlands and extreme topography or a linear greenbelt with a trail connecting active recreation areas.
138. "Performance surety or guarantee" means a surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this Title, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this Title.
139. "Plat" means a drawing and associated information prepared by a registered land surveyor depicting a plan for the division of property into lots, having a number or letter designation for each lot within the plat and a succinct name that is unique for the county and city where the land is located. A plat shall be prepared in accordance with this Title and Chapters 354 and 355 of the Code of Iowa for approval by the City and intended to be recorded in final form with the offices of the county auditor, recorder and assessor.
140. "Plat of survey" means 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 in accordance with this Title and Chapters 354 and 355 of the Code of Iowa.
141. "Private" means to be under the ownership, control and use restricted to a particular person, persons, or entity that represents a group of persons, as opposed to public, jurisdiction of government or agency of government.
142. "Private street" means a street owned and maintained privately and not by an agency or jurisdiction of government (See "Street").
143. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement or lien interest.
144. "Public" means to be under the ownership or control, or available for use, by the citizens of a jurisdiction of government, a jurisdiction of government or an agency of government.
145. "Public street or thoroughfare" means any roadway and associated right of way under the jurisdiction and maintenance of the governmental agencies of the Federal, State or City government; that may be used by the public in general, and that may or may not serve as an access frontage street to the abutting property. (See "street.")
146. "Residential (residence)" means any lot, plot, parcel, tract, area, parcel of land or any building used or intended to be used exclusively for human habitation or dwelling purposes, including accessory uses specified herein.
147. "Re-subdivision" means any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, or other use. Any change in the shape or size of any lot, or parcel of land previously approved for building purpose whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development or other use.

148. "Right of way" means a strip of land occupied or intended to be occupied by a street, highway, walkway, drainage way, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, trail or other public use.
149. "Road, private" means a roadway open to vehicular ingress and egress established as a separate parcel for the common use and benefit of certain, adjacent properties. This definition does not apply to individual driveways.
150. "Roadside mailbox" means a mailbox consisting of lightweight sheet metal or plastic box meeting the specifications of the United States Postal Service (USPS) with the inscription plainly legible stating "U.S. Mail" and "Approved By The Postmaster General", that is erected at the edge of a roadway or curbside of a street intended or used for a receptacle of mail and intended for direct access by a mail carrier from a vehicle stopped on the roadway.
151. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are attached, including the portion from back of curb to back of curb.
152. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
153. "Rural cross section" means a roadway design that has roadside ditches for the control of road surface drainage and conveyance of storm water run-off, as compared to an urban cross section roadway.
154. "Scenic corridor" means a strip of land on each side of a stream or roadway that is generally visible to the public traveling on such route.
155. "Scenic easement" means an easement, the purpose of which is to limit development in order to preserve a view or scenic area.
156. "Screening" means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features. (Also see "buffer.")
157. "Setback" means the required minimum horizontal distance permitted between the building line and the related front, side, or rear property line.
158. "Slope" means the change in ground elevation between two points.
159. "Street" means a public or private thoroughfare with a right of way not less than twenty (20) feet that is used, or intended to be used, for passage or travel by motor vehicles.
160. "Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street. (See "lot line, front.")
161. "Subdivide" means the act of dividing a lot, tract, or parcel of land to create a subdivision.
162. "Subdivision" means a division of a lot, tract, or parcel of land into three (3) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right of way dedication, or other use. However, this definition of a subdivision shall not include divisions of land into aliquot parts or more for agricultural purposes.
163. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county and City where the land is located.

164. "Surety" means a form of security including a cash deposit, bond, or instrument of credit in an amount and form satisfactory to the Council.
165. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.
166. "Townhouse" means a dwelling unit which is attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Property owners association documents and covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and to permit free movement through common areas by members of the homeowners association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.
167. "Tract" means an aliquot part, or one-quarter of one-quarter of a section, or a government lot.
168. "Trail" means a pedestrian walkway, bikeway or combined walkway and bikeway designated with a surfaced pathway for travel by means other than by motorized vehicles.
169. "Traffic impact study" means a study conducted by a professional engineer that predicts the volume and type of vehicular movements generated by a given development, and recommends improvements that reduce delay times and improve vehicular movement, circulation, and safety.
170. "Unlawful lot, structure or use" means a lot, structure or use that does not comply with the zoning regulations within the Zoning Ordinance or any other City, Federal or State law or regulation and is not grand-fathered under the terms and conditions of the Zoning Ordinance or this Title, and is not permitted to exist.
171. "Urban cross section roadway" means a roadway design that utilizes curbs to control road surface drainage and storm sewer intakes and storm sewers for the conveyance of storm water run-off, as compared to a rural cross-section roadway.
172. "Urban service area" means the area adjoining the City that is planned for future inclusion within the City and the extension of urban services and designated by map and intergovernmental agreement for the enforcement of subdivision regulations with those improvements required by this Title.
173. "Urban Design Standards" means the Iowa Statewide Urban Design Standards for Public Improvements as may be amended and approved by the City of Norwalk, with design standards and specifications for use in preparing plans for construction of public improvements pursuant to this Title.
174. "Waiver" means official permission from the Council that authorizes a departure from the requirements of this Title.
175. "Waterfront" means any site or premise that has any of its lot lines abutting on or contiguous to any body of water, including a creek, canal, lake, river or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear or side.
176. "Yard" means an open space on the same lot with a building or structure that is unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, signs, poles, post, and other customary yard accessories, ornaments, and furniture more than thirty (30) inches in height may be permitted in any yard subject to requirements

limiting obstruction of visibility and other provisions of the Zoning Ordinance. In measuring a yard for the purpose of determining the depth of a yard, the minimum setbacks shall be used.

177. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building line or any projection thereof, other than the projection of the usual uncovered steps, patios or decks.

178. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches.

179. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building line.

180. "Zero lot line" means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line. The location of a building directly on a lot line shall require the provision of an easement on the adjoining property for building access.

181. "Zone or zoning district" means any one of the classes of districts established by the Zoning Ordinance to classify, regulate and restrict land use within a geographical area as designated on the Official Zoning Map of the City.

182. "Zoning Map" for the purpose of this Title, means the "Official Zoning Map" of the City of Norwalk, Iowa.

183. "Zoning Ordinance", for the purpose of this Title, means the Zoning Ordinance of the City of Norwalk, Iowa.

**16.05 REVIEW AND APPROVAL PROCEDURE** Whenever the owner of any parcel of land within the jurisdiction of this Title wishes to divide such parcel, said person shall cause to be prepared a plat of survey or subdivision plat for review and approval by the City in accordance with the following procedures:

**1. Pre-application Meeting:** The developer of a plat of survey or subdivision within the jurisdiction of this Title should first schedule a pre-application meeting with the Community Development Director, or his/her designee, to acquaint City officials with the plat or subdivision, and to acquaint the developers with the review and approval procedures. Also, any regulations or site development issues associated with the development of the property may be discussed at the meeting.

**2. Neighborhood Sketch Plan:** If there is no existing master plan, neighborhood sketch plan, or other plan that fulfills the intent of this section by adequately demonstrating how a proposed land development will be compatible with the development of adjoining lands and the Comprehensive Plan, prior to or in conjunction with the submittal of a proposed plat of survey or proposed subdivision plat for development of land, the developer shall submit to the Community Development Director for review by the Commission and the Council, five (5) 22"x34" size copies and five (5) 11"x17" size copies of a neighborhood sketch plan. The neighborhood sketch plan shall not be greater in scale than 1" = 200' and shall show the property proposed to be platted, any adjoining parcels previously subdivided and any existing or proposed street access locations within 1,000 feet or any existing or planned intersections or accesses to neighboring arterial and major collector streets that are a minimum of 1,000 feet from the site of the development, or as necessary to show the existing and planned traffic circulation within the neighborhood.

The neighborhood sketch plan shall be schematically drawn in coordination with the Director of Community Development for the property proposed to be developed as well

as neighboring properties to show as necessary and conceptually how the proposed division of land can be compatible with the development of adjoining lands and compliant with the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and other applicable land use management policies and regulations of the City. The neighborhood sketch plan shall contain such information and data as outlined in Chapter 16.10. The Plan shall show existing grades (minimum requirement of USGS ten (10) foot contour intervals), water courses, drainage ways, streets, trails, existing lots of record, park land and open space areas within the property being developed, as well as existing and proposed streets, building sites or lots, park sites, open space, linear greenbelt parks and trails within the adjoining neighborhood as necessary to illustrate how the proposed development will accommodate and be compatible with existing uses, existing improvements, existing features and planned development of the surrounding neighborhood.

Council Approval Required A copy of the neighborhood sketch plan shall be distributed for comment to owners of adjoining land, that by the determination of the Director of Community Development, such land may be directly affected by the planned location of streets, trails, sewers, water mains, utilities, parkland and other improvements planned for the proposed plat. Upon receiving recommendations from the Director and the Commission, the Council shall consider the same, and shall approve or deny the Neighborhood Sketch Plan. If the submittal requirements of Chapter 16.10 of this ordinance are complied with, the review of the neighborhood sketch plan by the City staff, Commission and Council shall be conducted in a timely manner and in accordance with the Norwalk Community Development Application Schedule.

**3. Preliminary Plat:** The developer shall submit to the Community Development Director five (5) full size (22"x34") copies and five (5) half size (11"x17") copies of the preliminary plat. The preliminary plat shall contain such information and data as outlined in Chapter 16.11. If the submittal requirements of Chapter 16.11 of this Title are complied with, the review of the preliminary plat by the City staff, Commission and Council shall be conducted in a timely manner and in accordance with the Norwalk Community Development Application Schedule.

Staff Review. The Community Development Director shall coordinate input from other City departments and service providers, and carefully examine the plat as to its compliance with the City's Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and other applicable land use management policies and regulations of the City. The Director shall coordinate with the City Engineer his or her review of the preliminary plat to determine if it is compatible with the approved neighborhood sketch plan or master plan including the existing and planned street system, compliant with City standards and is consistent with good planning and engineering practices. The Director shall coordinate review comments from the City Engineer and other City departments and service providers, and submit a report with recommendations and comments to the Commission and Council. The Director may confer with the developer on changes deemed advisable and the kind and extent of such improvements to be made to implement the plat or subdivision.

Commission and Council Review After receiving the Community Development Director's report, the Commission shall study the preliminary plat and other material for conformity to this Title and other applicable City regulations. The Commission may request changes to the subdivision deemed advisable before recommending approval or rejection of a preliminary plat. The Commission may, at its discretion, hold a public hearing on the proposed plat. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within 60 days after the date of submission of the plat to the Commission.

Upon receiving recommendations from the Commission, the Council shall consider the same, the Council shall approve or deny the preliminary plat. The preliminary plat approval by the Council shall be null and void unless improvements are constructed and a final plat is presented to the Council for all or part of the area of the preliminary plat within two (2) years after the date of the preliminary plat approval, or an extension is granted by the Council.

**4. Construction Plans for Public Improvements:** Upon approval of the preliminary plat, the developer may proceed with the construction of improvements and the final platting of all or part of the area of the preliminary plat. The area proposed to be final platted along with proposed streets to be completed to provide public street access for the area to be final platted should first be approved by the Council before construction plans are prepared.

Construction plans for public street improvements, grading, municipally owned sanitary sewer, storm sewer, and water facilities, storm water management and drainage improvements, storm water pollution prevention improvements and other required improvements shall be prepared by an engineer for those improvements needed to serve the area of the final plat. Plans shall be prepared in accordance with City standards. Three (3) copies of the construction plans shall be submitted to the Community Development Director and the Director shall refer a copy to the City Engineer for review and recommendation to the Council. Upon approval of the construction plans by the City Engineer, the developer may proceed with construction of the improvements. Also, the developer shall submit construction plans for construction, modification or extension of any public water and sanitary sewer facilities to the Iowa Department of Natural Resources for review and issuance of a construction permit prior to initiation of construction of water and sanitary sewer facilities.

**5. Final Plat:** The developer shall submit to the Community Development Director five (5) full size (22"x34") copies and five (5) half size (11"x17") copies of the final plat for review by the City. The final plat shall be prepared by a land surveyor registered in the State of Iowa and contain such information and data as outlined in Chapter 16.12. If the submittal requirements of Chapter 16.12 of this ordinance are complied with, the review of the final plat by the City staff, Commission and Council shall be conducted in a timely manner and in accordance with the Community Development Application Schedule.

Staff Review The Community Development Director shall review the final plat to determine if it is compatible with the approved preliminary plat and provides all required information and data. The Community Development Director shall coordinate review comments from the City Engineer and submit a report with recommendations and comments to the Council.

Commission and Council Review The Commission and Council shall review all final plats. The final plat shall not receive final approval by the Council until all required improvements serving the area of the final plat have been constructed and accepted by the Council. The Council may give tentative approval of the final plat to approve the plat's street and lot layout prior to construction of required improvements with the condition improvements will be completed prior to releasing the plat for recording at the county. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council. The Council shall direct the Mayor and City Clerk to certify the resolution and the plat as approved.

**6. Minor Subdivision:** A subdivision may be designated a minor subdivision when it can be determined that a preliminary plat review is not necessary, or a subdivision of a lot that does not create a new building site and is prepared for an existing lot of record or to define the boundaries of an existing building site for financing or other similar

purposes. A minor subdivision is a subdivision that is in conformance with an approved neighborhood sketch plan or master plan, the City's Comprehensive Plan, Zoning Ordinance and this Title and has four (4) lots or less fronting on an existing paved public street and does not require the following improvements:

- A. Paving or reconstruction of existing public streets;
- B. The installation of new public street(s) for access to lots proposed to be subdivided or to provide access to adjoining properties;
- C. The installation of public sanitary sewer or municipal water facilities, except for installation of services from existing sanitary sewers and water mains to serve individual lots;
- D. The installation of public storm sewer facilities, or;
- E. Grading to control the conveyance of storm water drainage across adjoining lots or to control drainage that may adversely affect adjoining properties.

The Community Development Director, City Administrator in the absence of the Director, shall determine if a proposed subdivision is a minor subdivision and shall have the authority to waive the requirement for submittal and review of a preliminary plat. The developer shall be responsible to submit any information required by the Community Development Director to show that the submittal and review of a preliminary plat is not necessary. The procedures for the submittal and approval of a final plat as set forth within this Chapter 16.05 and requirements as set forth in Chapter 16.12 shall apply to minor subdivisions.

Construction plans for the installation and construction of private improvements to serve individual lots including sanitary sewer services, water services, footing drain sewer services, storm water management and drainage improvements, storm water pollution prevention improvements or other required private site improvements to serve lots to be platted shall be prepared by an engineer. Plans shall be prepared in accordance with City standards with three (3) copies of the construction plans submitted to the Community Development Director who shall refer a copy to the City Engineer for review. Private sanitary sewer services, water services, footing drain sewer services, storm water detention and drainage improvements, storm water pollution prevention improvements or other required private site improvements to serve lots to be platted shall be completed prior to release of the final plat and recordation of the plat at the county.

**7. Plat of Survey:** Land within the jurisdiction of this Title that has been or is proposed to be divided by using a metes and bounds description and is not defined as a subdivision shall have a plat of survey prepared as required by Chapters 354 and 355 of the Code of Iowa. The developer shall submit to the Community Development Director five (5) copies of the plat of survey for review by the City. The Community Development Director shall examine the plat as to its compliance with the City's Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, approved neighborhood sketch plan, approved master plan (if applicable) and other applicable land use management policies and regulations of the City.

The submittal of a plat of survey that proposes to divide land for the purpose of establishing a new building site shall be accompanied by a neighborhood sketch plan. The neighborhood sketch plan shall show how the new building site will be compatible with the future development of the area with the proper placement of building lots, streets, utilities, drainage ways and other subdivision improvements.

Plats of survey shall contain such information and data as outlined in Chapter 16.13 of this Title. If the submittal requirements of Chapter 16.13 are complied with, plats of survey shall be reviewed and approved or denied by the Director of Community Development within fifteen (15) days after the submittal of the plat of survey to the Director for review. A Plat of survey that does not create a new building site and is prepared for an existing lot of record or to define the boundaries of an existing building site for financing or other similar purposes shall not require the submittal of a neighborhood sketch plan.

**8. Plats Outside of Corporate Limits:** The division of land within unincorporated areas within two (2) miles of the corporate limits of the City shall be reviewed as authorized by Section 354.9 of the Code of Iowa or as may be established by agreement with neighboring cities or the county pursuant to Chapter 28E of the Code of Iowa to set forth reasonable standards and conditions for review of plats of survey and subdivisions within areas of overlapping jurisdiction. The procedure for approval of plats of survey, preliminary plats, final plats or minor property transfers within two (2) miles of the corporate limits and within the jurisdiction of this ordinance shall be the same as set out in this Title for plats within the corporate limits. The Community Development Director shall coordinate review comments from the City's Engineer and submit a report with recommendations and comments to the Commission and Council. If it is determined that a proposed division of land is outside of the City's planned urban service area and areas planned for future annexation into the City, the Council may waive the City's plat review authority.

**9. Minor Property Transfer:** Any transfer of a parcel of land from one lot or parcel to another lot or parcel that does not constitute a subdivision as defined within this Title may be platted as a plat of survey. The transfer of land shall not exceed ten percent (10%) of the area of the original parcel from which it is severed. The plat of survey shall comply with the submittal requirements of a plat of survey set forth within Chapter 16.13 of this Title and submitted to the Community Development Director for review and approval. If it is determined the plat of survey conforms to all provisions of this Title, the Zoning Ordinance, Comprehensive Plan, and the approved neighborhood plan or master plan, the Community Development Director may indicate approval with a signature on the plat or deny the request within fifteen (15) days of the plats submittal. Transfer of parcels of land affecting more than two existing parcels or lots shall require the re-platting of the lots affected as a subdivision in accordance with this ordinance.

**10. Condominiums:** The establishment of a condominium through the conversion of existing buildings or the construction of new buildings, with the intent to establish the ownership of real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment shall comply with the requirements, conditions and restrictions of this Title and Chapter 499B of the Code of Iowa with condominium documents including property owners association documents submitted for approval by the Council. New buildings and existing buildings proposed to be made into condominiums shall comply with all building code and fire code requirements and shall provide for separately established, regulated and metered water and utility services for each dwelling unit.

**16.06 SUBDIVISION DESIGN STANDARDS.** The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a development subject to this Title may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the developer shall use standards consistent with the site conditions so as to assure an economical, pleasant and

desirable neighborhood. Standards for the design and development of plats under the jurisdiction of this Title are as follows:

**1. Complete Street Policy.** It shall be the policy of the City of Norwalk that the transportation system shall reasonably seek to accommodate the different forms of surface travel including travel by automobiles, pedestrians and bicycles within and through the City. The planning and design of the transportation facilities within a subdivision or land development project shall include improvements to accommodate automobiles, pedestrian and bicycle traffic.

The design of subdivisions and developments shall provide for automobile, pedestrian and bicycle movements adjoining, within and through the subdivision or development as needed to implement the Comprehensive Plan and connect to the neighborhood and remainder of the community including the community wide trail and linear greenbelt park system planned within the City's Comprehensive Plan and Comprehensive Park Plan, or other City approved plans for major streets, pedestrian ways and bicycle ways. The trails and linear greenbelt parks planned within the City's Comprehensive Plan and Comprehensive Park Plan serve to connect neighborhood to neighborhood as well as provide a linkage between parks.

The public streets fronting and within a new subdivision or development shall provide for improved roadway, sidewalks and trails to implement the City's planned surface transportation system including the sidewalk and trail system to provide a safe and convenient place for pedestrian and bicycle traffic within the public street rights of way. The following guidelines, standards and requirements shall apply to the planning and design of public streets within subdivisions or developments under the jurisdiction of this Title:

- A. Roadways: The developer shall install roadways within public street rights of way of a subdivision or development as a required improvement under the jurisdiction of this Title as set forth within Section 2, "Street Design Standards", of this Chapter 16.06 SUBDIVISION DESIGN STANDARDS and Section 2, "Streets" of Chapter 16.07 REQUIRED IMPROVEMENTS.
- B. Sidewalks: The developer shall install sidewalks within public street rights of way of a subdivision or development as a required improvement under the jurisdiction of this Title as set forth within Section 9, "Sidewalks", of this Chapter 16.06 SUBDIVISION DESIGN STANDARDS and Section 6, "Sidewalks" of Chapter 16.07 REQUIRED IMPROVEMENTS.
- C. Trails: The developer shall install trails within arterial or collector street rights of way fronting or within a subdivision or development as may be required by the City to provide for bicycle and pedestrian movement separated from the roadway as a required improvement under the jurisdiction of this Title as set forth within Section 10, "Trails", of this Chapter 16.06 SUBDIVISION DESIGN STANDARDS and Section 7, "Trails" of Chapter 16.07 REQUIRED IMPROVEMENTS, as needed for safety purposes and to connect the subdivision or development with the remainder of the neighborhood and community wide trail and linear greenbelt park system.

2. **Street Design Standards.** The standards for the design of streets, street rights of way, and improvements affecting the design and use of streets and street rights of way are as follows:

- A. Comprehensive Plan and Land Use Plan: All proposed plats and subdivisions shall be compatible with the Land Use Plan of the City's Comprehensive Plan as it relates to the proposed location of arterial and major collector streets. All proposed plats and subdivisions shall also be compatible with the street layout plan of any neighborhood plan or master plan approved by the Council.
- B. Continuity of Existing Streets or Planned Streets: All proposed streets shall provide for continuity in alignment, continuation or completion of any existing streets (constructed or recorded) or any streets that are part of an approved preliminary plat, neighborhood plan or master plan of an adjoining or neighboring property. Streets shall be extended at equal or greater width based on the street's classification, unless variations are approved by the Council.
- C. Circulation: The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or undeveloped land as may be required by the Council. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, a temporary turnaround shall be required for temporary dead-end streets of over 300 feet of length.
- D. Street Intersections: Streets shall intersect other street across from each other and intersections shall be as nearly at right angles as possible, and not less than at a 70-degree angle. The radii at the intersections of street roadway pavements and right of way at intersections shall conform to City standards and shall not be less than 25 feet.  
  
Intersecting streets shall not be offset more than six (6) feet or less than 125 feet at the centerlines. No driveway shall be permitted to access a minor collector or local street closer than 15 feet from the end of the corner radius of an intersecting street or as required by the City to limit the congestion and hazard for traffic traveling through the intersection.
- E. Blocks: No block shall be longer than 1,320 feet from street centerline to street centerline.
- F. Cul-de-sac: The use of a cul-de-sac street shall be discouraged because cul-de-sacs can adversely affect the desired flow of traffic through the community and are more difficult and inefficient to serve with public services including garbage collection, snow removal, emergency services and fire protection. Cul-de-sacs shall be permitted only when a sites topography and shape do not allow for the use of a through street alternative, use of a cul-de-sac provides a more efficient use of the land, or the use of a through street is not cost efficient.

When a cul-de-sac is permitted, such street shall be no longer than 600 feet in length for office, commercial, industrial and

multiple-family residential land uses, and no longer than 800 feet within residential subdivisions with lots for detached single-family dwellings. The Council may allow cul-de-sacs exceeding the maximum permitted length if the incorporation of innovative design measures such as boulevards, additional roadway width, additional turning radius or alternative vehicle access that suitably addresses the intent to maintain adequate fire protection and emergency vehicle access and satisfies all other City standards and specifications, or the terminated roadway cannot be extended further due to the following: a.) the areas unique topography or environmental attributes; b.) the configuration of land ownership, or; c.) the existence of public land or environmentally sensitive land that is planned to be left undisturbed.

Land uses generating a maximum of 300 ADT of traffic or 30 single-family detached dwelling units will be permitted access to a cul-de-sac street without a second means of access. Traffic generation will be based on actual traffic counts or upon traffic generation surveys of the Institute of Traffic Engineers.

The closed end of a cul-de-sac shall have a circular turnaround having a diameter of 104 feet of right of way and paved roadway diameter of 80 feet in residential subdivisions. The circular turnaround of a cul-de-sac in a commercial or industrial subdivision shall have a diameter of 110 feet of right of way and 90 feet of roadway pavement. The right of way width of the street leading to the cul-de-sac turnaround in all subdivisions shall have a minimum of 60 feet in width and the lead-in portion of the street to the circular turnaround shall be rounded at a radius of not less than 50 feet.

- G. “Eyebrow cul-de-sac”: A cul-de-sac bulb used at a “L” intersection shall be discouraged, and only permitted to improve access to lots at the intersection if a through street cannot be used to create at least a “T” intersection due to the following: a.) the adjoining areas unique topography or environmental attributes; b.) the configuration of land ownership, c.) previously developed land adjoining the subdivision will not allow for a through street or; d.) the existence of public land or environmentally sensitive land that is planned to be left undisturbed. The “eyebrow cul-de-sac” at an intersection shall be designed with dimensions, radii and curve standards as used for cul-de-sacs with the center of the cul-de-sac bulb located at the intersection of the street centerlines and a minimum 50 feet radius at the inside intersection of the intersecting right of way and pavement.
- H. Street Names: All newly platted streets shall be named and in a manner conforming to the City’s street naming system. A proposed street that is in alignment with other existing streets, shall bear the same name. Names of new streets shall be subject to the approval of the Council.
- I. Topographic Features: In general, streets shall be designed with consideration for topography, creeks, drainage ways, flood hazard areas, wooded areas, slopes and other natural features

which can be an asset for the development and may improve the attractiveness of the subdivision.

- J. Half Streets: Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the property to be subdivided, the other half shall be platted if deemed necessary by the Council.
- K. Alleys: Alleys may be allowed in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts, unless the alleys are privately owned and maintained by a property owner(s) or property owners association. Dead-end alleys shall be provided with a means of turning around at the dead end.
- L. Neighborhood Street Circulation: If a neighborhood plan or master plan has been approved by the Council for the neighborhood in which the proposed subdivision is located, the street circulation plan for the subdivision shall be compatible with the street circulation plans for the neighborhood and shall conform to the planned access locations for the subdivision site.
- M. Land Not Platted: A plat that includes only part of a parcel or tract owned by the developer, or adjoins other properties that are not developed, the developer shall submit a neighborhood plan including general topography and a sketch of a conceptual future street system for the neighboring undeveloped properties.
- N. Access to Major Thoroughfares: Where a new subdivision has frontage on a major thoroughfare (arterial or major collector street), direct access to the arterial or major collector street shall be restricted and access shall be by means of the following, except where justified by limiting conditions:
  - i. The backing or backward movement of vehicles from off-street parking or loading areas shall be prohibited on all streets. The backing or backward movement of vehicles from a driveway of a residence onto a major thoroughfare designated as arterial or major collector streets on the City's Land Use Plan.
  - ii. Parking lot, loading area and street accesses to major thoroughfares shall be approved by the Council and located to limit vehicular conflicts, provide acceptable location of driveway approaches, preserve traffic safety, and as possible, not impair movement of vehicular traffic on public streets. Parking lot, loading area, and street accesses to major arterial streets shall be limited to a minimum spacing of 600 feet from access centerline to access centerline. Parking lot, loading area and street accesses to minor arterial streets shall be limited to a minimum of 300 feet from centerline to centerline. Driveway approaches from single-family residential lots to arterial streets shall be discouraged and not permitted if access to a collector or local street is available. Single-

family lots with frontage and permitted direct access to an arterial street shall have a minimum frontage of 120 feet, or have a common access for two adjoining lots.

- iii. Direct access shall be restricted to a local street that is parallel to the major thoroughfare with lots backing up to the major thoroughfare.
- iv. Direct access shall be restricted to cul-de-sacs or short loop streets entered from and planned at right angles to the major thoroughfare.
- v. Direct access shall be restricted to an access frontage street separated from the major thoroughfare by a landscaped strip.
- vi. Direct access shall be through a service drive or alley at the rear of lots with frontage on the major thoroughfare.

Where anyone of the above stated provisions restricts access to a major thoroughfare, covenants, plat restrictions or other permitted means shall be used to make access restrictions of record and communicate to property owners any access restrictions to prevent any private driveways from having direct access to the major thoroughfare.

- O. Traffic Impact Study: If there is no existing traffic study or acceptable street design solution to address forecasted traffic flow congestion with alternative street widths, traffic lanes, lane configurations at intersections, driveway access locations and driveway access lane, a traffic impact study may be required for office, commercial, industrial, or residential developments that will increase traffic volumes more than 1,000 ADT. Such study will determine design measures that may be required to mitigate congestion and improve safety. Level of Service "C", as defined by the Transportation Research Board Highway Capacity Manual-Current Edition, shall be the standard for conduct of such study.

At a minimum, the study shall address the right of way widths pavement widths, traffic circulation, turn lanes, acceleration or deceleration lanes, and traffic control devices required. Developers will be responsible for the dedication of right of way and installation of those improvements necessary to provide access to each lot or unit and accommodate new trips generated by the development onto existing roadways. If such study is required, it shall be submitted with the Preliminary Plat, or Master Plan if no Preliminary Plat is required.

- P. Dedication: A warranty deed to the City shall be provided for all streets to be dedicated to the City.
- Q. Street Widths: The developer shall dedicate rights of way and construct paved roadways as part of the subdivision and platting of land within the jurisdiction of this Title. The minimum width by street classification for street rights of way to be dedicated and roadway paving to be planned shall be as follows:

- i. Major Arterial Streets:  
 Right of way.....120 feet  
 Roadway (Divided).....65 feet  
 Roadway (Undivided).....49 feet
- ii. Minor Arterial Streets:  
 Right of way.....100 feet  
 Roadway (Undivided).....49 feet
- iii. Major Collector Streets:  
 Right of way (Commercial/Industrial).....80 feet  
 Right of way (Residential).....70 feet  
 Roadway (Three Lanes).....37 feet  
 Roadway (Two Lanes).....31 feet
- iv. Minor Collector Streets:  
 Right of way .....60 feet  
 Roadway. ....31 feet
- v. Local Streets:  
 Right of way.....60 feet  
 Roadway.....28 feet
- vi. Cul-de-sac:  
 Right of way.....60 feet  
 Roadway.....26 feet  
 Bulb Right of Way Radius(Residential).....52 feet  
 Bulb Right of Way Radius(Commercial/Industrial)..55 feet  
 Bulb Roadway Radius (Residential).....40 feet  
 Bulb Roadway Radius (Commercial/Industrial).....45 feet
- vii. Rural Cross Section (Local or Minor Collector Streets):  
 Right of way (Minimum with Sidewalks).....80 feet  
 Right of way (Minimum without Sidewalks).....70 feet  
 Roadway (Two Lanes).....24 feet  
 Shoulder Area (Each Side).....8 feet  
 Roadside Drainage Ditch (Each Side)..Minimum of 15 feet

The developer shall be responsible to pave up to 37 feet of roadway width as part of the improvements for a new subdivision, except as further provided herein. The above listed roadway widths for local and collector Streets are pavement widths required to be constructed by the developer as part of the improvements for a new subdivision. Additional roadway lanes and widths for major collector and arterial streets may be required by the Council to accommodate the traffic movements generated by large subdivisions and high traffic volume generating land uses.

- R. Rural Cross Section Streets: Streets classified as local or minor collector streets within areas planned or zoned as RE-1, Single-Family Rural Estates district may be designed with a rural cross section in accordance with City standards and this Title. Rural cross section streets are streets that are designed without curbing and use roadside ditches to control road surface drainage, convey storm water run-off and for snow storage. Parking shall not be permitted on minor collector streets with a rural cross section unless a thirty (30) feet wide roadway is provided.

All rural cross section streets shall have an eight (8) feet wide shoulder area provided on each side of the roadway to establish a seven (7) feet wide clear zone and space to place signage and fire hydrants. A minimum fifteen (15) feet wide area to accommodate a drainage ditch with side slopes shall be placed outside of the shoulder area on both sides of the roadway. Fire hydrants should generally be placed at an accessible location on the outer side slope of the drainage ditch a minimum of one foot from the right of way line. A greater right of way width may be needed if additional space is needed to provide a large enough drainage ditch to convey storm water flows. If a sidewalk is planned to be installed, an additional five (5) feet of right of way outside of the drainage ditch and back slope shall be provided to accommodate a four feet wide sidewalk.

- S. Street Grades. Streets and alleys shall be completed to grades approved by the City Engineer and conform to City standards. All streets shall be graded to the full width of the right of way. Streets with urban cross sections (versus rural cross sections) shall be graded with four percent (4%) rise from the curb level to the right of way line or sidewalk and adjacent side slopes graded to blend with the natural ground level. The maximum grade along the longitudinal alignment of a street shall not exceed six percent (6%) for major and minor arterial streets, seven percent (7%) for major collector streets, and eight percent (8%) for minor collector or local streets. All changes in grades along the alignment of all streets shall be connected by vertical curves designed in accordance with design standards adopted by the City.
- T. Temporary Turnaround: Streets that are over 300 feet in length and dead end at the plat or subdivision boundary shall be provided with a paved temporary hammerhead turnaround or a circular turnaround with a minimum diameter of 90 feet. Temporary turnarounds will not be considered to be cul-de-sacs for the purposes of this Title and will require the installation of an approved barricade at the end of the street. Residential streets that result in only one means of ingress/egress for a temporary period of time until a later phase of development occurs or an abutting property extends the roadway, shall not exceed 500 ADT until a second access has been provided.

3. **Lot Design Standards:** The standards for the design of lots, street rights of way, and improvements affecting the design and use of streets and street rights of way are as follows:

- A. Minimum Lot Requirements: The minimum bulk requirements for developments within the City shall comply with the bulk regulations set forth for the zoning district as shown on the Zoning Map or Land Use Plan for the City and Land Use Plan for outside of the City in which the subdivision or plat is located. Except for townhouse lots, mobile home park and factory built home park lots and cemetery plot, each lot shall be at least 100 feet in depth and not have a depth greater than four (4) times the width at the minimum front yard setback. Each lot, except for

developments served by private streets, shall have a minimum of 40 feet of frontage onto a public street.

- B. Corner Lots – Widths: Corner lots shall have a minimum width of 20 feet greater than the minimum lot width required by zoning regulations in order to permit adequate building setbacks on both front and side streets.
- C. Double Frontage Lots. Double frontage lots shall be prohibited, except where such lots back onto a major thoroughfare or highway or in the case of large commercial or industrial lots. Such double frontage lots shall have a buffer adjoining the rear street frontage. The building setback shall be measured from the boundary of landscape buffer zone.
- D. Flag Lots. The division of land into a flag lot shall generally be discouraged by the City. However, the division of land into flag lots may be permitted by the City Council, upon recommendation of the Commission. When making its determination whether to authorize a flag lot, the Council shall consider whether the public welfare and interest of the city, area adjoining the subject property, and neighbors is protected and the general intent and spirit of this Title is preserved. In making this determination, the Council shall consider whether the proposed area of the flag lot can be included as part of adjoining land, whether or not owned by the owner of the subject property, to create a plat otherwise in compliance with this Title; fire protection, including access by fire department vehicles; unusual topography, size or conditions of the property; the nature or extent of previous divisions of the land and access to municipal utilities. The Council may at their full discretion, approve, deny or modify, wholly or partly, any application for approval of a flag lot. The Council may impose such conditions and limitations as it deems necessary to assure that the general purpose and intent of this Title and all other ordinances or policies enacted or followed by the Council will be observed, and that the public interest, health, safety, convenience and welfare will be served.
- E. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
- F. Lot Size - Public Sewer Not Available. For the purpose of complying with minimum health standards, lots which cannot be reasonably served by an off-site public or common sanitary sewer system shall have a minimum width of 125 feet measured at the front yard setback line and an area of not less than 40,000 square feet. Lots shall be a minimum of 10 acres where there is proposed an on-site well for potable water and on-site sewage disposal is proposed.
- G. Building Envelope. Every lot (except townhouse lots) shall have at least 2,000 square feet of contiguous area, hereinafter called a “building envelope”, of a shape sufficient to hold a principal building. The building envelope shall lie at or be filled to an elevation at least one (1) foot above the one-hundred-year flood elevation. The building envelope, exclusive of minimum yard requirements, roadway, utility and drainage easements, on-site

sewage disposal areas (if used), well areas (if used), and areas subject to the 100 year flood, shall be shown on each lot on the Preliminary Plat.

- G. Site Topography. Lot boundaries shall coincide with natural and existing man-made boundaries to the extent practicable to avoid lots that gain access to the building envelope by crossing a drainage-way or other natural obstacle. When lots adjoin a water body, lot lines shall be drawn to distribute ownership among the lots, or such water body shall be held in common ownership, or if approved by the City, such water body may be dedicated to the City. Where a drainage-way or watercourse separates the building envelope from the street access, a culvert or other structure, approved by the City Engineer, shall be installed by the Developer. Streets crossing dams shall not be allowed.

4. **Utilities.** Utility lines, connections, and equipment shall be placed in accordance with the following:

- A. Public Water and Sanitary Sewer. The connection of each lot within a subdivision to public water and sanitary sewer shall be required for the development of land within the City, except as provided herein. A single-family residential subdivision within a zoning district which does not require service from an off-site public or common sanitary sewer system shall have minimum lot sizes of 40,000 square feet and lot width of 125 feet. Notwithstanding this requirement, dry sanitary sewer installation without connection to the public sanitary sewer system shall be required in the Urban Service Area (USA) and the areas subject to the jurisdiction of this ordinance for areas planned for future public sanitary sewer service regardless of distance to the existing public sanitary sewer service.

In the Urban Service Area the public or community water system shall be installed to City standards and meet fire flow requirements regardless of water service availability. An agreement shall be executed and made of record providing for the terms and conditions for conveyance to the City without cost to the City, water mains and sanitary sewers that are owned, maintained and operated by a person, company, corporation, or other entity other than the City. Lot owners shall be required to connect to the City sanitary sewer or water facilities when the City sanitary sewer or water service becomes available.

The design of the public water distribution system, sanitary sewer collection system and all appurtenances shall be in accordance with City standards. Sanitary sewer mains shall be a minimum eight (8) inch diameter or larger and shall be designed to meet the ultimate flow requirements as determined by the City Engineer. Sewer and water facilities shall be extended across the subdivision to the adjacent external boundary or as necessary to accommodate the future extension of facilities. Water mains shall be eight (8) inch diameter or larger as necessary to meet service and fire flow demand, and completed with valves, stop boxes, fire hydrants and fittings. A Professional Engineer licensed in the State of Iowa shall prepare water and sewer

construction plans. Also, the developer shall submit construction plans for construction, modification or extension of any public water and sanitary sewer facilities to the Iowa Department of Natural Resources for review and issuance of a construction permit prior to initiation of construction of water and sanitary sewer facilities.

Easements for sanitary sewers and water mains to be constructed or planned for future installation shall be a minimum of 30 feet in width and shown on the construction plans for public improvements, preliminary plat, and final plat. Additional easement area for temporary easements for construction may also be required. Easement documents describing the easement areas and setting forth the terms and conditions for conveyance, access, use and maintenance of the easement areas shall be submitted with the final plat for review, approval and acceptance by the Council for recording at the county with the final plat.

- B. On-site Sewage Disposal System. Where public sanitary sewer service is not planned and required, each lot proposed for development may have an on-site sewage disposal system in accordance with the standards set forth by the permitting jurisdiction. Before a building permit is issued a permit for the sewage disposal system shall be granted by the permitting jurisdiction. Before a sewage disposal system permit is issued, a soil percolation report shall be prepared for the lot enumerating the proposed location of the absorption area and absorptive capacity of soils therein. Each lot shall have sufficient soil absorption area for a disposal system located in compliance with required setbacks.
- C. Wells. Where public water or private common water systems are not available, wells may be used to provide potable water in compliance with standards as set forth by the State of Iowa.
- D. Electric, Cable Television, Telephone and Gas Utilities. Within the City and Urban Service Area, all utilities, except electrical transmission lines greater than 15,000 volts, shall be installed underground. Public utility easements are required for all utilities placed outside the public right-of way.

Public utility easements shall be shown on the plat and in written document form to be made of record and to provide accessibility to all lots and structures within the development. Easements for public utilities shall be at least twenty (20) feet wide and centered on the rear lot line, but may be larger in accordance with City standards. When utility easements cannot be located on the rear lot line because of existing physical barriers, a fifteen (15 feet) wide easement may be permitted along the front lot line and centered on the side lot lines. Where a utility easement currently exists, such will be shown on the plat with appropriate references. If it is determined by the City that an existing utility easement is adequate to meet current and future needs, no additional easement may be required.

- 5. **Drainage**. Each plat shall show flood hazard areas for the 100 year storm flows as determined by the Iowa Department of Natural Resources, Federal Emergency

Management Agency or a qualified engineer, and provide for the construction of storm drainage systems sufficient for the maintenance of storm flows. Drainage improvements shall accommodate runoff from the upstream drainage area and shall be designed to prevent downstream flooding. The design and plans, including calculations, shall be prepared in accordance with City standards. A drainage report and plan detailing land use, hydrology, storm water discharge and detention calculations, storm sewer design, detention design, channels and flood data shall be submitted at the time of preliminary plat submittal.

The developer shall, at the developer's own expense, grade the channel to properly carry the surface water (including 100 year storm flows), and shall provide and dedicate to the City an easement along each side of a stream for the purpose of access, widening, improving, protecting the stream and for the installation of public utilities. The drainage easement shall be approved by the City Engineer and shown on each plat. If a floodplain development permit is required for subdivision improvements, an application with supplementary data shall be submitted with the preliminary plat. The width of each easement shall be in accordance with City standards, and shall be sufficient for access and maintenance. Flood elevation data shall be provided for subdivision proposals for the 100 year storm flow with consideration given to upstream storm water detention. Drainage channels with 100 year storm water flows of five hundred (500) cubic feet per second or greater shall have drainage easements that include the drainage channel, the land between the channel and the one-hundred-year flood contour and an area 20 feet adjoining and outside the 100 year flood contour. In cases where fill is proposed or existing in a flood hazard area, proposed and existing fill elevations shall be shown.

**6. Environmental Limitations to Development.** Land which is determined to be unsuitable for development due to flooding, improper drainage, steep slopes, soils or subsurface earth limitations, presence of hazardous materials contamination or other limiting environmental factors, shall not be developed with buildings and improvements unless adequate steps to mitigate the conditions are taken which are acceptable to the City. Additionally, the clear-cutting of land for development shall not be permitted unless removal of trees is approved by the City and determined necessary to allow the development of the land. The preservation of mature tree cover is encouraged in planning the development of land within the jurisdiction of this ordinance.

**7. Easement Maintenance.** All drainage, sanitary sewer, storm sewer, water main and other utility easements shall be kept free and clear of any buildings or other improvements that would interfere with their proper maintenance and operation. Easements located on privately owned property shall be maintained by the property owner. The City shall not be liable for damages to privately owned improvements located within a drainage or utility easement caused by maintenance or replacement of utilities located therein by other government agencies or private utilities.

**8. Storm Water Pollution Prevention Plan.** Construction plans for public improvements shall be submitted with a Storm Water Pollution Prevention Plan that details temporary and permanent measures necessary to control soil erosion and sedimentation during and after construction for any graded area more than one (1) acre in size. Such plan will be prepared in accordance with City standards.

If ground cover for erosion control has not been established before the time the final plat is requested for release by the City for recording, a maintenance surety in an amount sufficient to repair and replace erosion control measures may be required. The maintenance surety shall be provided to and in favor of the City by the developer. The City may require maintenance of erosion control devices or structures for the period covered by the surety, or may return the surety to the developer when ground cover has been established for the area graded. A copy of the Storm Water Pollution Prevention

Plan shall be stored on site during construction and available for review by City or Iowa Department of Natural Resources representatives, until all permanent erosion prevention measures including ground cover are fully established.

**9. Sidewalks.** Sidewalks shall be required in all subdivisions in the city of Norwalk, except along streets within the RE-1, Single-Family Rural Estates zoning district that are classified as local streets and have a forecasted average daily traffic (ADT) of less than 500 trips per day. Sidewalks shall be constructed within the public street right of way along all street frontages where required and have a minimum unobstructed width of four (4) feet, except in commercial and multiple family residential developments where pedestrian traffic is anticipated to be substantial, a minimum unobstructed width of six (6) feet may be required by the City. A sidewalk may be placed within an easement if approved by the City Council and if it is determined by the Council that the topography or other limitations within the public street right of way prevent the placement of sidewalks within the right of way.

The Council may defer installation of public sidewalks where there are no existing public sidewalks within neighboring streets to make a connection. Also, the Council may waive installation of public sidewalks within the street right of way of public streets where off-street walking or biking trails are planned to provide access to properties within the area and the topography or other limitations within the public street right of way prevent the placement of sidewalks within the right of way.

The developer of a subdivision shall construct the sidewalks or may post a performance surety acceptable to the City for the installation of public sidewalks within those subdivisions that are required to have public sidewalks. The developer of a lot with the construction of buildings or other uses shall install public sidewalks fronting the lot if sidewalks have not been installed with the subdivision improvements.

The owner of any vacant lot or land within a subdivision that has not constructed sidewalks along the public street frontage of the vacant lot or land as required by this Title, upon written notification by the City, shall install the required sidewalks fronting their property within 180 days. If such sidewalk is not installed after expiration of the 180 day period, the Council may take any action necessary to install the sidewalk, and assess against the property all cost of installation including but not limited to administration and legal expenses.

**10. Trails.** The developer of a subdivision or development shall construct trails as part of the public improvements within those subdivisions or development that are planned and required to have trails. Trails shall be designed and constructed in accordance with the Statewide Urban Design Standards for Public Improvements as amended and approved by the City, with a minimum width of eight (8) feet, with trail widths of 10 feet for all trails used as combination bikeways and pedestrian walkways located within linear greenbelt parks and open space trails designated on the Land Use Plan of the City's Comprehensive Plan and City's Comprehensive Park Plan. Open space trails shall have a minimum right of way width of 30 feet and roadside trails a minimum easement or right of way width of 12 feet or four (4) feet greater than the width of the trail, whichever is greater. Trails placed within the right of way of a public street to implement the complete street policy of the City to accommodate pedestrian and bicycle traffic shall be a minimum of eight (8) feet in width and located within the right of way to maintain a minimum separation of seven (7) feet between the trail and street's roadway.

**11. Park Land Dedication.** The development of land that will house new residents, including families with children, will create additional demand for open space and facilities to provide opportunities for recreation and physical fitness activities at a place safely away from streets. Therefore, to provide for orderly community development with the design of subdivisions and development of land that is consistent with the City's

Comprehensive Plan and Comprehensive Park Plan with the creation of parks and trails for recreation and physical fitness opportunities as well as pedestrian and bicycle trails to promote the health, safety and welfare of the citizens of Norwalk, whenever property is proposed to be developed for residential purposes the developer shall be responsible for contributing to the implementation of the City's neighborhood park systems.

If land planned or proposed for development includes a park or trail as shown on the Land Use Plan of the Comprehensive Plan and the City's Comprehensive Park Plan, the planned park site or trail location, or revised park site or trail location approved by the Park Commission and City Council, shall be included in the neighborhood sketch plan, master plan, preliminary plat, final plat and plat of survey for the development project by the developer and such land area planned for park or trails shall be reserved for incorporation into the City's park and trail system. The developer of land planned for residential dwellings shall dedicate land, facilities and/or improvements for public park land or trail use as planned for the neighborhood park system within the City's Comprehensive Plan and Comprehensive Park Plan and such area shall be adequately graded and prepared as set forth herein.

The neighborhood park system includes a network of active and passive recreational areas including neighborhood parks, mini-parks, linear green belt parks and trails intended to serve neighboring subdivisions and developments, while community parks are public parks established as the center of recreational activities for several neighborhoods or the entire City. The implementation of the neighborhood park system is considered a necessary improvement that directly benefits the residents of a subdivision or development being added to a neighborhood and is therefore considered a required subdivision or development improvement the same as streets, sanitary sewers, water facilities and other required improvements. The City's Comprehensive Plan recommends a standard of 10 acres of park land and trails per 1,000 population as the City grows, of which approximately sixty percent (60%) or six (6) acres per 1,000 population is planned for the neighborhood park system.

The developer shall dedicate land, facilities, equipment and/or improvements to the City to develop an equivalent of six (6) acres of land for development of the neighborhood park system for each 1,000 population estimated to inhabit the area to be developed. Therefore, the dedication of land, facilities, equipment and/or improvements to the City for development of the neighborhood park system shall be the equivalent of 261 square feet per resident or the following area for each of the listed dwelling unit types:

**Park Land Dedication Requirements**  
(Based on 261 square feet of land per person)

<b>Dwelling Unit Type</b>	<b>Population/Unit</b>	<b>Land Dedication Requirement</b>
<u>Single-Family Detached Dwelling:</u>	3.00/Unit	783 Square Feet/Unit
<u>Single-Family Attached Dwelling:</u>	2.00/Unit	522 Square Feet/Unit
<u>Multiple Family (Apartments):</u>	1.60/Unit	418 Square Feet/Unit
<u>Mobile Home:</u>	1.60/Unit	418 Square Feet/Unit

If no park or trail is planned within the City's Comprehensive Plan and Comprehensive Park Plan for the area proposed to be developed or if the amount of land planned for parks and trails within the area to be develop is less than the land area required to be dedicated, the developer shall be required to do one or a combination of the following as determined by the Council:

- A. If the amount of land planned for parks and trails within a development is less than the land dedication requirement, to fulfill the park land dedication requirement the developer may dedicate land owned by the developer that is located outside of the development and where parks or trails are planned within the City's Comprehensive Plan or Comprehensive Park Plan as part of the neighborhood park system, an amount equivalent to the fair market value of the amount of additional land needed to fulfill the park land dedication requirement including the cost of grading and site preparation as required for park land proposed for dedication;
- B. If the amount of land planned for parks and trails within a development is less than the land dedication requirement, to fulfill the park land dedication requirement the developer may improve the existing or proposed neighborhood park system with the construction or installation of park improvements, facilities, equipment or trails as determined by the City at a cost equivalent to the fair market value of the amount of additional land needed to fulfill the park land dedication requirement including the cost of grading and site preparation as required for park land proposed for dedication, or;
- C. If the amount of land planned for parks and trails within a development is less than the land dedication requirement, to fulfill the park land dedication requirement the developer may pay a cash deposit as a performance surety to the City to be held in escrow to implement the neighborhood park system, an amount equal to the fair market value of the amount of additional land needed to fulfill the park land dedication requirement including the cost of grading and site preparation as required for park land proposed for dedication.

The dedication of land shall be by warranty deed at the time of the release of the final plat for recording or final approval and prior to authorization of construction of a site plan development. If the reservation of additional land for public park use is required, the process and timing for acquisition of such land shall be set forth by agreement (See part 13 of this Chapter 16.07, Reservation and Acquisition of Park Land). Such reserved land shall be shown on the final plat. The Park Commission shall recommend to the Council the size and location of land to be reserved for parks or trails as set forth by the City's Comprehensive Plan and Comprehensive Park Plan. If park and open space land reserved to fulfill the requirements of this Title is proposed by the developer to be privately held and maintained, such shall be preserved by easement and made accessible to the general public.

In order to determine whether the dedication of land for parks and trails is required within a development, the Comprehensive Plan and Comprehensive Park Plan shall be used as a guide to determine the general location of parks and trails. The specific location and dimension of parks and trail sites shall be determined in consideration of the topography, geologic features, flood hazard areas, historic and archeological sites, natural areas and the character and recreational needs of the neighborhood where the park or trail is proposed. Access to the subdivision from proposed parks and trails shall be considered in design of the neighborhood plan or master plan for the area. The suitability of the subdivision for parks and trails by reason of location, access, development cost, and maintenance cost shall be determined during the review process.

Where hiking or biking trails are planned on the City's Land Use Plan and Comprehensive Park Plan, the developer shall be required to dedicate land for trails of at least thirty (30) feet in width. The land dedicated, or easements if approved by the City, may serve to help satisfy park land dedication requirements.

**12. Park Land Improvements.** The developer shall be responsible for park land preparation before dedication to the City including rough grading, construction of drainage improvements and erosion control within drainage ways and park sites in accordance with the following standards and specifications:

- A. When a developer is required to dedicate park land, a minimum of 75% of the area shall be capable of development as an active recreation area sufficiently level and uninterrupted by public or private utilities, streams and drainage ditches to permit the development of court games facilities and athletic fields. The active recreation area shall not have slopes less than 1.5% or greater than 5%, except under special conditions when greater slopes are desired to enhance recreation (i.e., sled hill) as determined by the Park Board. Additionally, floodway areas shall not count for more than twenty-five (25%) of the park land dedication requirement and storm water detention areas shall not count toward the dedication requirement.
- B. The developer will be responsible for providing a park site located adjoining a fully improved street with sidewalks and utilities including sanitary sewer, storm sewer, water and electricity, as required by the City to be accessible and provided at the property line. The site shall have direct access to such fully improved street across at least ten (10) percent of the distance of its perimeter. Any access route shall be at least thirty (30) feet wide for walkways or trails and fifty (50) feet for roadway access. Any access route of less than sixty (60) feet shall be buffered in a manner approved by the Park Commission.
- C. On-site drainage patterns shall be designed and constructed by the developer with approval by the City to insure flow toward designated swales and away from active recreation areas.
- D. The developer shall be responsible for preparing the site to be dedicated in a manner acceptable to the City and in accordance with the following criteria:
  - i. Rough grading shall be completed at the time of rough grading the contiguous areas of the development.
  - ii. Grading shall comply with Park Commission and Council approved plans.
  - iii. Finished grades shall be uniform in slope between points for which elevations have been established.
  - iv. Top soil shall be spread evenly and lightly compacted to an adequate depth for proper turf growth; be of good quality, friable soil, with good tillage, and shall as practical be without any admixture of subsoil, gravel, stones, refuse, or sand.
  - v. Soils shall not offer any restrictions to proposed recreation and leisure utilization. As required by the City, the

developer shall be responsible for supplying soil test information prepared by a qualified soils engineer.

- vi. All proposed park areas shall be seeded in accordance with standard specifications of the City and a maintainable stand of grass established prior to acceptance by the City.
- vii. Seeding is to be completed during desirable fall and spring planting times, dependent upon recommended planting specifications for seed.
- viii. The developer shall be responsible for making necessary reparations to site caused by erosion. Reparations will be completed prior to acceptance and dedication to the City.

**13. Credit for Private Park and Recreation Amenities.** A credit of not to exceed 25% of the total park land dedication requirement shall be granted by the City for permanent private park and recreational facilities and amenities in developments wherein said facilities and amenities are available for common use, without rental charge, by residents within the development. The credit against the dedication requirement shall be determined by taking the total value of the privately owned recreational facilities and amenities provided within the development that are for common use, without rental charge, by residents within the development.

Recreational facilities and amenities that may be considered in establishing a credit include, but are not limited to, swimming pools, wading pools, court game facilities, athletic field apparatus and playground equipment, but shall not include the value of any land not directly associated with the facilities and amenities as determined by the Council, or any open recreational spaces. The continuation and maintenance of permanent private park and recreational facilities and amenities shall be assured by written recordable agreement between the City and developer.

**14. Reservation and Acquisition of Park Land.** When land located within the area of a proposed development is planned as community park land or is planned as part of the neighborhood park system within the Comprehensive Plan and Comprehensive Park Plan, the land shall be reserved for dedication to the City or acquisition by the City. For that land required to be acquired by the City and is not required to be dedicated as part of the neighborhood park system, at the time of the development of land adjoining the proposed park site or prior thereto, the land shall be reserved for acquisition by the City and the City and developer shall enter into a written recordable agreement setting forth the terms and schedule for the acquisition of the park site by the City. The City shall be obligated to purchase the reserved park site as agreed upon between the City and developer, or when development adjoining more than fifty percent (50%) of the boundary of the park is developed.

Land to be acquired by the City for park purposes shall be valued based on the land's current fair market value. If possible, the current fair market value of the land shall be determined by mutual agreement between the City and developer. If an agreement on the fair market value cannot be mutually reached by the parties, such value shall be determined by the parties appointing a real estate appraiser, with the cost of the appraiser being equally shared by the City and the developer.

**15. Buffers.** A buffer shall be accomplished by anyone, or approved combination of the following methods to screen the rear yards of double frontage lots as required under the provisions of this Title or between conflicting land uses or zoning districts as may be required elsewhere in the City Code:

- A. Buffer Wall. A buffer wall shall not be less than six (6) feet in height; constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, pre-cast concrete, tile block, etc. and the wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality. Weather resistant wood may be used as a substitute material if designed with adequate structural integrity and permanency and approved by the City Council.
- B. Landscape Buffer. A landscape buffer shall not be less than thirty (30) feet in width, designed and landscaped with earth berms and predominate plantings of evergreen type trees and shrubs so as to assure year-around effectiveness; height of berm and density and height of plantings shall be adequate to serve as a solid and impenetrable screen. The landscape buffer shall be in addition to the normally required setback. The earth berming shall be a minimum height of three (3) feet above the curb level of the adjoining parking lot, if applicable, or public thoroughfare, and shall be designed to not affect the drainage of the surrounding area, and to be aesthetically pleasing to the general public. Berms may be required to be higher if the minimum height is identified during the development review process as being inadequate to provide effective screening and buffering. In addition to earth berming, the following standards shall be required for landscape plantings at the time of planting:
- i. The equivalent of one (1) over-story tree and two (2) evergreen trees per forty (40) linear feet of the landscape buffer. Deciduous trees shall be a minimum two to two and one-half-inch (2-2½") caliper; evergreen trees shall be a minimum six feet (6') in height and will be equal to one (1) over-story tree. Two (2) ornamental trees or five (5) shrubs may be substituted for one (1) over-story tree, or one (1) evergreen tree. Shrubs shall be a minimum size of 18 inches. Whenever practical, existing trees and shrubs should be preserved and incorporated into the overall design of the landscape buffer and can be included to meet the total number of required trees and shrubs, if it is determined during the development review process that the existing trees will provide the necessary screening and buffering.
  - ii. In no case shall the substitution of over-story trees and evergreen trees be in excess of fifty percent (50%) of the required number, except in extenuating circumstances, such as under overhead power lines.

**16. Roadside Mailboxes and Structures in Public Street Right of Way.** The construction or installation of any structure, except a single roadside mailbox serving one resident or customer, public sidewalks and driveway approaches by any person other than an employee or agent of the City, County or State government having jurisdiction shall not be permitted within the public street right of way, unless authorized by the Council. Roadside mailboxes constructed within the public street right of way shall comply with the following standards and requirements:

- A. Roadside Mailbox Requirements. Roadside mailboxes within the right of way of any public street shall be located on the non-parking side of the roadway. The bottom of the box shall be set at an elevation required by the United States Postal Service, generally 48 inches above the roadway surface or 42 inches above the curb. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance of 6 to 8 inches, and support pedestal 12 inches or more. On residential streets without curbs or all-weather shoulders, the roadside face of the mailbox shall be set back 6 to 8 inches and support pedestal 12 inches or more behind the edge of pavement or graveled surface. On paved roads with drive-able all-weather shoulders, the mailboxes shall be set back 6 to 8 inches and support pedestal 12 inches or more from the edge of the shoulder. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route. Mailboxes shall maintain a minimum setback of 25 feet from the radius of an intersecting street.
- B. Breakaway Mailbox Supports. Roadside mailboxes located within the clear zone and right of way of arterial or major collector streets as designated by the City or City's Comprehensive Plan, shall have a break away support that is constructed to readily break or bend without creating significant damage to a vehicle or danger to its passengers upon impact with the mailbox. Breakaway support with a single 4-inch x 4-inch wooden post or a metal post with a strength no greater than a 2-inch diameter schedule 40 steel pipe that is buried no more than 24 inches into the ground will be acceptable as a mailbox support within the right of way of an arterial or major collector streets. Such support post shall not be set in concrete unless specifically designed as a break a way support system acceptable to the City. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10 inches below the ground surface. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the mailbox is struck by a vehicle. Mailbox supports shall not be set in concrete, and shall not be constructed of brick, concrete, stone, or masonry of any type in the public right of way of arterial or major collector streets.

**17. Multiple Mailbox Structures Required in New Developments.** All new subdivisions or developments completed or accepted by the City after January 1, 2007 shall have multiple mailbox structures where roadside delivery of mail is provided. The installation of a structure with multiple mailboxes of two (2) or more mailboxes within a street right of way shall be approved by the United States Postal Service and Council, and permitted only if the United States Postal Service, a property owners association or other entity is established to maintain, repair, replace or remove such structure.

A multiple mailbox structure that has more than two (2) separate mail boxes per structure shall be installed as a "cluster box unit" (CBU) when located within the public street right of way. The City shall not be responsible for the installation, maintenance, repair, replacement or removal of mail boxes located within the public street right of way,

including CBUs. CBU structures shall be maintained in good repair in a condition acceptable to the Council.

CBU structures proposed to be located within the public street right of way shall be located between the public sidewalk and roadway and shall be located and installed in accordance with the following restrictions and requirements:

- A. Location Restrictions and Requirements. The installation of CBU structures shall not be permitted within the right of way of streets classified as major collector or arterial to prevent such facility from causing traffic congestion and a traffic hazard, or obstacle to future widening of such heavily traveled and higher speed street. Location of CBU multiple mailbox unit structures shall be placed to reduce the chances of a motor vehicle accidentally striking such structure. CBU structures shall not be permitted within the clear zone and within five (5) feet of the roadway of a public street classified as a minor collector or local street as designated by the City or City's Comprehensive Plan.

The location of CBU structures shall be approved by the Council and located on the side of the street where parking is not permitted. The location of the CBU shall not exceed 600 feet from the property line of those residents served by the CBU and placed at property lines in order not to obstruct access to individual building lots. CBU structures shall be separated by a minimum of 300 feet and not placed closer than 100 feet from the pavement radius of a street intersection or placed to obstruct the vision at driveway approaches. Additionally, CBU structures shall not be placed in a location that shall conflict with the placement of other public improvements within the public street right of way including, but not limited to water main valves, fire hydrants, sewer manholes and street light poles.

- B. Installation Restrictions and Requirements. Cluster box units installed in public street right of way shall not have more than 16 compartments to receive the delivery of mail for up to 16 residences or customers, and shall not be greater than 18-inches in depth, 30-inches in width and 66-inches in height including a support pedestal being no less than 18-inches in height. The structure and site design for a CBU shall be planned as part of the preliminary plat or site plan for a development and installed in accordance with standards, specifications and requirements of the United State Postal Service and this Chapter. All CBUs shall be installed with a minimum four (4) feet wide sidewalk access from the public sidewalk and public roadway.

**16.07 REQUIRED IMPROVEMENTS.** The developer shall install and construct all improvements required by this Title. All required public improvements shall be installed and constructed to the City's satisfaction and in accordance with City standards.

**1. Extraterritorial Review Area.** Subdivision improvements to be constructed within the jurisdiction of this Title and outside the corporate boundaries of the city of Norwalk shall comply with the same standards as required for subdivisions in the city of Norwalk, provided such improvements are not less than that required by the County

subdivision regulations. All road and drainage construction plans shall be approved by the County Engineer, and completed roads shall be accepted by the Board of Supervisors for Public Maintenance. Subdivisions that contain sewers, on-site sewage treatment, water supply systems, park areas, street trees or other facilities that are of common use or benefit and are not maintained by a public agency, provisions shall be made for the proper and continuous maintenance and supervision of such facilities by property owners association.

2. **Streets.** All street improvements including, but not limited to, paving, curbing, jointing, sub-drains, sub-grade preparation and curb backfill shall be constructed in accordance with City standards.

3. **Grades.** All streets, alleys, sidewalks, drainage ways, and park land within the platted area which is proposed to be dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendation of the City Engineer.

4. **Street Signage.** The Developer shall be responsible for:

A. Installation of a street name sign at each intersection of a public street with another public street, and at each intersection of a named private drive with a public street.

B. Installation of traffic control signs in accordance with the Manual for Uniform Traffic Control Devices – Current Edition as amended, and such signs shall be a size, color, and placement as approved by the City Engineer.

The Developer shall reimburse the City for installation of such signs. Upon acceptance of the street, the City will maintain signs in the public right of way. The maintenance of signs within private streets shall be the responsibility of the property owner or property owners association.

5. **Street Lighting.** Street lighting is required in the City and designated Urban Service Area. Street lighting will be designed in accordance with City standards. Plans for street lights with underground distribution shall be submitted to the City Engineer for approval. The Developer shall pay for installation of street lights with underground distribution lines.

6. **Sidewalks.** Where public sidewalks are required, sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be constructed of Portland cement concrete in accordance with designs, specifications and grades approved by the Council and in compliance with this Title and the American Disability Act.

7. **Trails.** Where trails are planned as part of a subdivision's public improvements, trails shall be constructed with the other plat improvements in accordance with designs, specifications and grades approved by the Council and in compliance with this Title and the American Disability Act.

8. **Water and Sewers.** Water mains, sanitary sewer lines, storm sewers, footing drain sewers and their appurtenances shall be constructed and installed in accordance with the plans and specifications designed in accordance with City standards and approved by the Council. The developer shall submit construction plans for construction, modification or extension of any public water and sanitary sewer facilities to the Iowa Department of Natural Resources for review and issuance of a construction permit. Water and sewer service lines shall be made accessible to each lot.

9. **Utilities.** The developer shall make necessary arrangements for the installation of all utilities including gas, electric, telephone, cable television etc. All utilities shall be constructed underground and placed within approved public utility easements. All utility plans shall be approved by the Council.

10. **Utility Services.** All individual lots or real property subdivided for separate ownership, including individually owned space within a building or apartment as part of a condominium shall be served with separate utility services including water, sanitary sewer, telephone, electricity and natural gas if used. Access to individual services for maintenance shall be made available to the individual property owner being served by the utility and access to utility meters made available to utility providers.

11. **Storm Water Management.** The developer shall grade drainage ways and detention basins, and construct storm sewer facilities to properly convey and detain storm water in accordance with approved grading and construction plans and City standards.

12. **Storm Water Pollution Prevention.** The developer shall construct temporary and permanent measures necessary to control soil erosion and sedimentation during and after construction for any graded area more than one (1) acre in size. Such construction shall be in accordance with plans prepared in accordance with City standards.

13. **Buffers.** The developer shall construct required buffers as part of the development of a single-family residential subdivision wherein lots will be sold for the construction of detached homes by separate home builders, and where one builder will not develop all the lots that will be encumbered by a proposed buffer. The proposed buffer shall be constructed as part of the public improvements for the subdivision and installed prior to final approval of the plat for recording. Plant materials as part of a landscape buffer shall be maintained and warranted for one year after installation, and shall be required to receive final approval from the City one year after installation.

14. **Park Land.** Park land to be dedicated to the City shall be improved in accordance with this Title, City standards and approved plans, and the City shall not accept a park site proposed for dedication until the site improvements have been completed and properly inspected by the City Parks and Public Works Departments and accepted by the Park Commission and Council, or acceptable performance surety filed with the City.

15. **Monuments.** The developer shall place permanent reference monuments in the subdivision as required by law. All monuments shall be properly set and certified by a land surveyor licensed in Iowa, prior to recordation of the final plat

16. **Debris.** No cut trees, timber, debris, contaminated soil, waste concrete, junk, rubbish, sewage, garbage, or food waste shall be buried, or left deposited on any private or public lot, unless the developer has designated part of a private lot for deposit of such debris or waste materials for removal by the developer. Debris and soil deposited on existing public streets during construction shall be removed by the developer before the end of each work day.

**16.08 CONSTRUCTION OF IMPROVEMENTS.** The developer shall be responsible for the installation and construction of all improvements required by this Title. None of the improvements, except clearing, grubbing, and erosion control, may be constructed until construction plans have been approved by the City's Engineer.

1. **Construction Observation.** Construction observation as deemed necessary to assure quality workmanship on all portions of the improvements to be dedicated shall be provided by the City at the developer's expense. Construction observation costs shall be paid for by the developer before final acceptance of the plat for recording at county offices.

2. **Phased Construction.** For each subdivision phase or final plat, construction plans shall include all improvements lying within that phase and all improvements lying outside that phase required to serve that phase.

3. **Deferred Improvements.** When it is determined by the Council that an improvement is required pursuant to this ordinance for future access or connection, but such improvement should not be constructed at this time, the developer will be required to plat the street right of way or utility easement and file performance sureties to assure the completion of improvements.

4. **Oversized Water Main and Sanitary Sewer Improvements.** If the City requires the installation of oversized water main or sanitary sewer improvements to serve adjacent properties, the City shall reimburse the developer for the additional cost of the oversized improvements necessary to support other properties, but not the proportion of the oversized improvements necessary to support the development.

5. **Completion of Improvements.** Upon completion of all improvements within or serving a development as required by this ordinance, the developer shall request final inspection and acceptance of improvements by the City and provide as-built drawings for all improvements in accordance with City standards. Furthermore, the developer shall provide deeds, easements and associated documents for the transfer of streets, water mains, sewers, open space, parks and other public facilities to be dedicated to the City.

6. **Performance Surety.** In lieu of requiring the completion and installation of all improvements prior to the issuance of a building permit or occupancy certificate, the City may enter into an agreement with the developer to permit recording of the final plat and building construction prior to completion of all required improvements, if the developer shows justifiable hardship due to weather and the onset of cold weather that will not allow completion of improvements before the winter season. Building occupancy shall not be permitted until all improvements are completed and accepted by the City, with the exception of ground cover and landscape improvements. To secure the agreement the developer shall provide, any or a combination of the following sureties to cover the costs of the uncompleted improvements:

- A. A performance bond from a surety bonding company authorized to issue said bonds in Iowa. The bond shall be payable to the City in an amount equal the entire estimated cost as approved by the City Engineer for installing all uncompleted improvements by a scheduled date including project administration, construction observation, material testing, other associated cost and inflation.
- B. Deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution.

At a minimum, an all-weather surface roadway must be available for public safety vehicle access to building sites before construction of buildings is permitted and surety can be considered in lieu of completion of improvements. The use of any surety instrument other than cash shall be subject to approval of the Council. The amount of the surety shall be equal to the entire estimated cost of installing all uncompleted improvements by a scheduled date including project management cost and inflation, as approved by the Council.

The use of a cash deposit or other instrument as an escrow with a financial institution shall require the developer to file with the City an agreement between the financial institution and developer that guarantees the escrow account shall be held in trust until released by the City and may not be used or pledged by the developer in any other matter

during the term of the escrow. The failure of the developer to complete the improvements, shall require the financial institution, upon notice from the City, to immediately pay the funds deemed necessary by the City to complete the improvements.

The duration of a financial guarantee shall be a reasonable period to allow for completion and acceptance of the improvements, but in no case shall such duration exceed one (1) year. Any surety of a duration less than one (1) year, may be extended with the City's consent, but not to exceed one (1) year, if such extension takes place at least thirty (30) days prior to expiration.

Any development whose improvements are not completed and accepted thirty (30) days prior to the expiration of the surety shall be considered to be in default. Upon default, the surety bonding company or financial institution shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount deemed necessary by the City to complete the improvements. Upon payment, the City shall expend such funds or portion thereof to complete any or all required improvements.

Default does not release the developer from liability and responsibility for completion of the improvements. The City may release a portion or all of any security posted as the improvements are completed and approved by the City.

**7. Maintenance Surety.** The developer shall warrant the design, material, installation, and workmanship of public improvements for four (4) years from and after acceptance of roadway paving, storm sewer installation, sanitary sewer and water main installation. Such warranty shall be by bond or other instrument acceptable to the Council.

**16.09 ACCEPTANCE OF IMPROVEMENTS AND RELEASE OF FINAL PLAT FOR RECORDING.** Provisions for the final acceptance of the final plat and improvements are as follows:

**1. Construction of Improvements or Posting of Performance Sureties.** Before the Council releases the final plat for recording, all improvements required by this Title shall be constructed and accepted by formal resolution of the Council. Before passage of a resolution of acceptance:

- A. The City Engineer shall report that the improvements meet City standards, any other requirements and all agreements between the developer and the City, and;
- B. The City Engineer shall report that the developer has filed a maintenance surety (or bonds) in proper form to cover all construction being dedicated to the City.

**2. Waiver.** The requirements for the construction and completion of improvements prior to the release of the final plat for recording may be waived by the Council to permit the issuance of a building permit or for justifiable cause, if the developer post a performance surety guaranteeing that improvements will be completed prior to the issuance of an occupancy permit or within a period of one (1) year (except for sidewalks). The performance surety for public sidewalks shall be extended until all public sidewalks are completed. If a performance surety 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 all construction has been completed in accordance with the requirements of this chapter. Maintenance work will not be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

3. **Re-subdivisions.** The Council may waive the requirements for the construction and installation of some or all of the improvements required in Section 16.07 in cases of re-subdivisions where only the size, shape and arrangement of the lots are being changed 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.

**16.10 NEIGHBORHOOD SKETCH PLAN REQUIREMENTS.** The purpose of the Neighborhood Sketch Plan is to show conceptually on a drawing how a proposed plat, subdivision, master plan or site plan will be compatible with the development of adjoining lands and compliant with this Title, Zoning Ordinance, Comprehensive Plan and other applicable land use management policies and regulations of the City.

1. **Number of Copies and Scale.** The developer shall submit to the Community Development Director five (5) full size (22"x34") copies and five (5) half size (11"x17") copies of the neighborhood sketch plan. The scale of the plan shall not be greater than one inch equals two hundred feet (1" = 200'), unless otherwise approved by the Director.

2. **Contents of the Neighborhood Sketch Plan.** A Neighborhood Sketch Plan contents shall be as follows:

- A. Name of the proposed subdivision, plat of survey or development for which the Neighborhood Sketch Plan has been prepared.
- B. Date, point of compass, and bar graph scale.
- C. Name and address of recorded owner and developer (If applicable) of the proposed plat, subdivision, master plan or development.
- D. Name and address of plan preparer.
- E. Zoning classification of the area of the development and adjoining area within 1,000 feet.
- F. Existing grades (minimum requirement of USGS ten (10) foot contour intervals).
- G. Existing water courses, drainage ways, lakes, ponds, trails, park land, flood hazard areas, streets, street intersections, driveway approaches on adjoining major collector and arterial streets and lots of record and subdivisions within the area to be developed and within 1,000 feet of the site of the development.
- H. Proposed streets, building sites or lots, park sites, open space, linear greenbelt parks and trails within the development and the adjoining neighborhood as necessary to illustrate how the proposed development will accommodate and be compatible with existing uses, existing improvements, existing features and planned development of the surrounding neighborhood.
- I. Existing major sanitary sewers and water mains including their easements and rights-of-way within 1,000 feet of the site of the development.
- J. A heavy line shall indicate boundaries of the proposed subdivision, plat or development.

3. **Copies of Approved Plan.** The developer shall submit five (5) full size (22"x34") and five (5) half size (11"x17") black line copies, and a electronic copy on a CD of the approved Neighborhood Sketch Plan for City records.

**16.11 PRELIMINARY PLAT REQUIREMENTS.** The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a drawing all facts needed to enable the City to determine whether the proposed layout of the development in question is being platted in compliant with this Title, the Zoning Ordinance, Comprehensive Plan, other applicable land use management policies and regulations of the City and compatible with the approved neighborhood sketch plan or master plan. The Preliminary Plat requirements are as follows:

1. **Number of Copies and Scale.** The developer shall submit to the Director of Community Development five (5) full size (22"x34") copies and five (5) half size (11"x17") copies of the preliminary plat. The scale of the plat shall not be greater than one inch equals fifty feet (1" = 50') on small subdivisions and one inch equals one hundred feet (1" = 100') on large subdivisions, unless otherwise approved by the Director.

2. **Contents of Preliminary Plat.** Preliminary plat contents shall be as follows:

- A. Name of subdivision, date, point of compass, bar graph scale, and official description of the property being platted.
- B. Name and address of recorded owner and of developer.
- C. Name and address of engineer and/or land surveyor.
- D. Existing buildings, railroads, underground utilities, easements and other rights-of-way.
- E. Location of masses of trees and trees with greater than 16 inch diameter trunks called out.
- F. Location of drainage ways, streams, lakes, ponds, marshes, swamps, aquifer recharge areas and proposed storm drainage improvements.
- G. Location, area and flood elevations of the flood hazard areas.
- H. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
- I. Location and names of adjoining subdivisions, and the names of the owners of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
- J. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
- K. Areas dedicated for public use, such as schools, parks, open space and playgrounds.
- L. Grading plan with proposed rough grades and existing contour lines at intervals of not more than two (2) feet along with proposed borrow sites.
- M. Front yard setback.
- N. Building envelope.

- O. A heavy line shall indicate boundaries of the proposed subdivision.
- P. Zoning classification of the area.
- Q. Proposed utility service:
  - (1) Water supply.
  - (2) Sanitary sewers.
  - (2) Provision for on-site sewage disposal.
  - (3) Provision for storm water drainage.
- R. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- S. Lot numbers.
- T. Proposed street right of way and roadway widths.
- U. Proposed easements with width and use identified.

3. **Accompanying Material.** Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by an engineer. Such tests shall be made in accordance with specifications approved by the county health department.

4. **Copies of Approved Plat.** The developer shall submit five (5) full size (22"x34") and five (5) half size (11"x17") black line copies, and an electronic copy on a CD of the approved Preliminary Plat for City records.

**16.12 FINAL PLAT REQUIREMENTS.** The final plat of a subdivision is intended to serve as a recorded plat and its purpose is to show on a drawing all facts needed to describe the area being platted in compliance with this Title and compatible with the approved preliminary plat. The Final plat requirements are as follows:

1. **Number of Copies and Scale.** The developer shall submit to the Director of Community Development five (5) full size (22"x34") copies and five (5) half size (11"x17") copies of the final plat for review by the City. The scale of the plat shall not be greater than one inch equals fifty feet (1" = 50') on small subdivisions and one inch equals one hundred feet (1" = 100') on large subdivisions, unless otherwise approved by the Director.

2. **Contents of Final Plat.** The final plat shall be an exact duplicate of the plat proposed to be filed for record in the County Recorder's office. The contents of the final plat shall comply with the State Code of Iowa and include the following:

- A. Name of subdivision.
- B. Bar graph scale and compass point.
- C. Existing zoning.
- D. Curve data including delta angle, length of arc, degree of curve, tangent.
- E. A heavy line shall indicate boundaries of the proposed subdivision with accurate distances, bearings and boundary angles.
- F. Exact name, location, width, lot designation and centerline of all streets within the subdivision.

- G. Easements for public water, sanitary sewer, storm sewer other utilities showing width and use intended.
- H. Easements for drainage ways, buffers, pedestrian trails, common roadways and other public and common facilities.
- I. Minimum building opening (MBO) for lots adjoining flood hazard areas. Minimum building opening elevations shall be established at two (2) feet above the flood hazard elevation.
- J. Front yard setback lines with dimensions.
- K. Official legal description of the property being subdivided.
- L. Lot numbers, addresses and areas in square feet.
- M. Certification of registered engineer and/or land surveyor with dates of preparation and revisions.
- N. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.
- O. Location and names of adjoining subdivisions and property boundaries with lots, street rights of way and easements shown and identified.
- P. List of all plat restrictions.

**3. Accompanying Material.** The following documents shall be submitted and determined acceptable the City prior to final approval and release of the final plat for recording at the County:

- A. Dedication of Properties Intended for Public Use. A warranty deed to the City, properly executed, for all streets and park land intended for public ownership, and for any other property intended for public use.
- B. Consent to Plat. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
- C. Mortgage or Lien Holder's Release. A statement from the mortgage holders or lien holders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lien holder. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
- D. Attorney's Opinion. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted

and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

- E. County Treasurer Certificate. 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.
- F. Performance Sureties. Performance sureties for public sidewalks or other subdivision improvements not completed, if any.
- G. Maintenance Sureties. Maintenance sureties for public improvements.
- H. Easement Documents. Documents for the establishment and conveyance of easements shown on the plat with legal description, usage and restrictions set forth.
- I. Noise and avigation easement. Documentation and easements as may be required by the City to protect the airborne operations of the Des Moines International Airport within the approach zones of the Airport as set forth in the City's Zoning Ordinance and to provide requirements as determined necessary to mitigate the impact of noise associated with operations of the Airport.
- J. Protective Covenants. Protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
- K. Property Owner's Association Documents. Property Owner's Association documents shall be required and submitted for review and approval where developments have common areas, or facilities serving more than one (1) building or unit owned by different owners. (Common driveways shall not be construed to be common area.) A Property Owner's Association shall be established to accept, convey and maintain all common areas and facilities within a development containing common areas. The Property Owner's Association shall be in legal existence prior to the conveyance or transfer of control of any unit or lot in the development

Common areas shall be conveyed to the Property Owner's Association in which all owners of lots in the development shall be members. When a condominium is proposed or common areas to be owned by a property owner's association are proposed, property owners association documents shall include but not be limited to the following information and provisions:

- i. Membership in the Property Owner's Association for each original purchaser and each successive purchaser of a lot or unit.
- ii. Provision for assimilation of owners of subsequent phases of the development.
- iii. The payment of premiums for liability insurance, local taxes and assessments when there is common property.

- iv. Power to levy assessments against the owners of lots or units in the development.
  - v. If applicable, easements for ingress and egress access from common areas to public right of way..
  - vi. If applicable, provision for common area and recreational facility maintenance, and restoration in the event of damage when applicable.
  - vii. If applicable, provision that owners become individually liable for taxes and assessments of the common areas in the event of default.
  - viii. Provision for meetings of the association.
  - ix. If applicable, provisions for allocation of parking spaces among owners.
- L. Approved Plat Copies. The developer shall submit three (3) 22"x34" and three (3) 11"x17" signed black line copies, one (1) 22"x34" signed black line reproducible mylar and an electronic copy on a CD of the final plat for City records, and copies of the approved final plat as needed for recording at the county before the plat will be released for recording.
- M. Final (as-built) Construction Plan Copies. The developer shall submit two (2) 22"x34" and two (2) 11"x17" signed black line copies, one (1) black line reproducible mylar copy and an electronic copy on a CD of the as-built construction plans of public improvements for City records before the final plat will be released for recording at the county.

**16.13 PLAT OF SURVEY REQUIREMENTS.** A plat of survey is intended to depict the division of land that is not defined as a subdivision and to be made of record with the purpose of showing on a drawing all facts needed to describe the area being platted in compliance with this Title, Zoning Ordinance, Comprehensive Plan, other applicable land use management policies and regulations of the City and compatible with the approved neighborhood sketch plan or master plan. Requirements for a Plat of Survey submittal are as follows:

**1. Number of Copies and Scale.** The developer shall submit to the Director of Community Development five (5) full size (22"x34") copies and five (5) half size (11"x17") copies of the plat of survey for review by the City. The scale of the plat shall not be greater than one inch equals fifty feet (1" = 50') for small parcels and one inch equals one hundred feet (1" = 100') for large parcels, unless otherwise approved by the Director.

**2. Contents of a Plat of Survey.** The plat of survey shall be an exact duplicate of the plat proposed to be filed for record in the County Recorder's office. The contents of the plat of survey shall comply with this Title, State Code of Iowa and include the following:

- A. A parcel letter or number designation approved by the County Auditor.
- B. The names of the proprietors
- C. A heavy line shall indicate boundaries of each parcel.

- D. Each parcel shall have an accurate description including distances, bearings and boundary angles.
- E. Curve data including delta angle, length of arc, degree of curve, tangent.
- F. Addresses for each parcel.
- G. The total area of each parcel in acreage and square feet.
- H. The acreage and square feet of any portion lying within a public right of way.
- I. Bar graph scale and compass point.
- J. Existing zoning.
- K. Exact name, location, width and centerline of all streets within the plat or adjoining the plat.
- L. Lot designation of any street right of way within the area to be platted.
- M. Easements for public water, sanitary sewer, storm sewer other utilities showing width and use intended.
- N. Easements for drainage ways, overland drainage, flood hazard areas, buffers, pedestrian trails, common roadways and other public and common facilities.
- O. Minimum building openings for lots adjoining flood hazard areas.
- P. Front yard setback lines with dimensions.
- Q. Official legal description of the property being platted.
- R. Certification of registered engineer and/or land surveyor with dates of preparation and revisions.
- S. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.
- T. Location and names of adjoining subdivisions and property boundaries with lots, street rights of way and easements shown and identified.
- U. List of all plat restrictions.

**3. Accompanying Material.** The following documents shall be submitted and determined acceptable by the City prior to final approval and release of the plat of survey for recording at the County:

- A. Dedication of Properties Intended for Public Use. A warranty deed to the City, properly executed, for all streets and park land intended for public ownership, and for any other property intended for public use.
- B. Easement Documents. Documents for the establishment and conveyance of easements shown on the plat with legal descriptions, usage and restrictions set forth.
- C. Noise and aviation easement. Documentation and easements as may be required by the City to protect the airborne operations of the Des Moines International Airport within the approach zones

of the Airport as set forth in the City's Zoning Ordinance and to provide requirements as determined necessary to mitigate the impact of noise associated with operations of the Airport.

- D. Performance Sureties. Performance sureties for public sidewalks or other public improvements not completed, if any.
- E. Maintenance Sureties. Maintenance sureties for public improvements as required.
- F. Protective Covenants. Protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
- G. Property Owner's Association Documents. Property Owner's Association documents shall be required and submitted for review and approval where developments have common areas, or facilities serving more than one (1) building or unit owned by different owners. (Common driveways shall not be construed to be common area.) A Property Owner's Association shall be established to accept, convey and maintain all common areas and facilities within a development containing common areas. The Property Owner's Association shall be in legal existence prior to the conveyance or transfer of control of any unit or lot in the development

Common areas shall be conveyed to the Property Owner's Association in which all owners of lots in the development shall be members. When a condominium is proposed or common areas to be owned by a property owner's association are proposed, property owners association documents shall include but not be limited to the information and provisions as required in Chapter 16.12 for a Final Plat.

- 4. **Copies of Approved Plat.** The developer shall submit five (5) full size (22"x34") and five (5) half size (11"x17") black line copies, and an electronic copy on a CD of the approved Plat of Survey for City records.

**16.14 FEES.** The developer shall pay the following fees to the City to help recover cost to the City for the review of plans and plats, and construction observation necessary to assure, as possible, that development projects are planned, designed, engineered and constructed in accordance with the City's Land Use Plan, Zoning Ordinance, Subdivision Ordinance, City standards, and other land management policies:

- 1. Neighborhood Sketch Plan: \$100.00 to be paid to the City at the time of the Neighborhood Sketch Plan submittal.
- 2. Master Plan: \$250.00 to be paid to the City at the time of the Master Plan submittal.
- 3. Preliminary Plat: \$150.00 plus \$5.00 per acre and \$5.00 per lot to be paid to the City at the time of the preliminary plat submittal.
- 4. Final Plat. \$150.00 plus \$10.00 per lot to be paid to the City at the time of the final plat submittal.
- 5. Plat of Survey. \$200.00 to be paid to the City at the time of plat submittal.
- 6. Construction Plans. The developer shall reimburse the City for the City's cost to have construction plans reviewed by the City Engineer. Such payment shall be

made before the Council approves of construction plans to permit the start of construction.

7. Construction Observation. The developer shall reimburse the City for the City's cost of construction observation services. Such payment shall be made before the Council accepts public improvements constructed as part of the development and release of the final plat for recording.
8. Recording Fees. The developer shall pay all cost for recording documents at the county. Prior to the final plat being released for recording at the county, the developer shall pay the City the estimated cost for recording deeds, easements, covenants and other documents to be recorded by the City.
9. Additional Cost. The developer shall reimburse the City for any additional cost of planning, engineering or legal services that may arise due to the following:
  - A. Review of plans, plats, construction plans or other documents by consulting planners, engineers or attorneys.
  - B. Preparation, or review of accompanying materials and documents to the final plat or plat of survey, including but not limited to, deeds, attorney opinions, mortgage and lien holder releases, consents to plat, easement documents, protective covenants, property owner's association documents, performance and maintenance sureties, and other documents as needed to complete the platting or land development process.

**16.15 VARIATIONS AND EXCEPTIONS.** Whenever the parcel proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Title would result in substantial hardships or injustices, the Council, may vary or modify such requirements so that the developer is allowed to develop the property in a reasonable manner; but so, at the same time the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of this Title are preserved.

**16.16 PLATTING EXEMPTIONS.** The platting of the following divisions of land shall not require the review and approval by the City:

- A. A plat of survey of any section created by the United States Public Land Survey or aliquot part thereof. An aliquot part shall be considered undivided land for the purposes of this Title;
- B. Any Government Lot created by the United States Public Land Survey. A Government Lot shall be considered undivided land for the purposes of this Title, and;
- C. Any acquisition plat of land divided for the acquisition of right of way for roadway purposes by the Iowa Department of Transportation.

**16.17 ENFORCEMENT.** No plat of survey, plat or subdivision in the City or within the jurisdiction of this Title shall be recorded or filed with the County Auditor or County Recorder or have any validity until it complies with the provisions of this Title and has been approved by the Council in the manner prescribed herein.

**16.18 CHANGES AND AMENDMENTS.** Any provision of this Title may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until a public hearing has been held, public notice of which shall be provided as required by the Code of Iowa.

- 16.19 INTERPRETATION.** In interpretation and application of this Title, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers of the City. If any federal or state law or other existing ordinance or regulation allows lesser regulation, this Title shall govern; if any federal or state law or other ordinance requires greater regulation, the regulations imposed by that authority shall govern. Regardless of any provision of this Title, no land shall be developed or used in violation of state or federal law.
- 16.20 ABROGATION.** This Title shall not repeal, abrogate, annul, impair or interfere with any existing public or private easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.
- 16.21 SEVERABILITY.** Should a court of competent jurisdiction hold any chapter, section, part, paragraph, sentence, clause, phrase, or word of this Title invalid; such decision shall not affect, impair, or invalidate the remaining parts of this Title which can be given effect without the invalid provision.

**Prepared by: Urbanscape**  
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