

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND PRESCRIBING STANDARDS FOR SUBDIVISIONS AND FOR THE IMPROVEMENT THEREOF, PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING FEES THEREFORE, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 354 OF THE *CODE OF IOWA*.

BE IT ORDAINED BY THE CITY OF MEDIAPOLIS, IOWA.

ARTICLE 1: GENERAL PROVISIONS

Sections:

- 1.01 Short Title
 - 1.02 Purpose
 - 1.03 Jurisdiction
 - 1.04 Recording of Plat
 - 1.05 Fee Established
 - 1.06 Penalties
 - 1.07 Building Permits to be Denied
-

SECTION 1.01: SHORT TITLE

This Ordinance shall be known as the “Subdivision Ordinance of the City of Mediapolis, Iowa,” and shall be referred to herein as “this Ordinance.”

SECTION 1.02: PURPOSE

The purpose of this Ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan and Zoning Ordinance, and to promote the public health, safety, and general welfare of the citizens of the City of Mediapolis, Iowa.

SECTION 1.03: JURISDICTION

Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into 2 or more parts, for the purpose of laying out an addition, subdivision, building lots, or lots, acreage or suburban lots within the city or within 2 miles from the corporate limits of the city, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

SECTION 1.04: RECORDING OF PLAT

No subdivision plat, resubdivision plat or street dedication within the City of Mediapolis, Iowa, or within 2 miles of the corporate limits of the city, as provided in the *Iowa Code*, Chapter 354.9, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Ordinance.

1.04.A: Official Recording of Plat.

The subdivider shall upon the approval of the final plat by the City Council file three copies, stamped as approved by the City, immediately with the County Auditor (one copy) and County Recorder (one copy), as required by law. Such approval shall be revokable after 30 days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such 30 days.

SECTION 1.05: FEES ESTABLISHED

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

SECTION 1.06: PENALTIES

Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this Ordinance, until the plat thereof has been approved by the City Council, and recorded as required by law, shall forfeit and pay \$100.00 dollars for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the city's right to any other remedies available to the city for the enforcement of this Ordinance.

SECTION 1.07: BUILDING PERMITS TO BE DENIED

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

ARTICLE 2: DEFINITIONS

Sections:

2.01 Terms Defined

SECTION 2.01: TERMS DEFINED

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

1. Acquisition Plat.

The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

2. Aliquot Part.

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 on aliquot part of a section.

3. Ally.

Public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. Auditor’s Plat.

A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

5. Block.

An area of land within a subdivision that is entirely bounded by streets, highways, parks, a railroad rights-of way, rivers, tracts of public land, or boundary of the subdivision.

6. Building Line.

Building lines are synonymous with setback lines and outline the building area of a lot, which remains after the required yard areas have been provided for.

7. Building Official.

The individual assigned the duty to administer this Ordinance by the City Council or other appointing authority.

8. City Engineer.

The professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.

9. Comprehensive Plan.

The general plan for the development of the community that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the City Council. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

10. Collector Streets.

A street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

11. Commission.

The appointed commission designated by the City Council for the purpose of this Ordinance, and may also be referred to as the Planning and Zoning Commission of Mediapolis, Iowa.

12. Conveyance.

An instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

13. Council.

The City Council of Mediapolis, Iowa.

14. Cul-de-sac.

A short, minor street layout having one end connecting to another street, and the other end permanently terminated by a vehicular turn around.

15. District.

A section or sections of land area depicted on the Official Zoning Map within which the regulations governing the use of buildings and premises or the height of buildings and area of sites are uniform.

16. Division.

Dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of Chapter 354 of the *Iowa Code*.

17. Easement.

An authorization by a property owner for another to use a designated part of his/her property for a specified purpose.

18. Flood Hazard Area.

Any area subject to flooding by a one percent probability flood otherwise referred to as a 100-year flood, as designated by the Iowa Natural Resources Council or the Federal Insurance Administration.

19. Floodway.

The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of 100-year flood without cumulatively raising the waterway surface elevation more than one foot.

20. Forty-Acre Aliquot Part.

One-quarter of one-quarter of a section.

21. Governmental Lot.

A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

22. Improvements.

Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walks, walk ways, water mains, sewers, drainage ways, and other public works and appurtenances.

23. Lot.

A tract of land represented and identified by number or letter designation on an official plat.

24. Lot, Corner.

A lot situated at the intersection of two streets.

25. Lot, Double Frontage.

Any lot that is not a corner lot that abuts two streets.

26. Major Thoroughfare.

A street used primarily for fast, intense volume, mixed vehicular, through traffic.

27. Marginal Access Street.

A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic, while limiting access to the major thoroughfare.

28. Metes and Bounds Description.

A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

29. Minor Street.

A street used primarily for access to the abutting properties.

30. Official Plat.

Either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the recorder, auditor, and assessor.

31. Owner.

The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

32. Parcel.

A part of a tract of land.

33. Permanent Real Estate Index Number.

A unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the *Iowa Code*.

34. Plat.

A map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that he or she submits for approval and intends, in final form, to record

35. Plat of Survey.

The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

36. Proprietor.

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.

37. Resubdivision.

Any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

38. Street.

Public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

39. Street, Arterial.

A street primarily intended to carry traffic from one part of the city to another, and not intended to provide access to abutting property.

40. Subdivider.

Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.

41. Subdivision.

The division of land into 2 or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to the process of subdividing or to land subdivided.

42. Subdivision Plat.

The graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

43. Surveyor.

A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the *Iowa Code*.

44. Tract.

An aliquot part of a section, a lot within an official plat, or a government lot.

45. Utilities.

Systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

ARTICLE 3: IMPROVEMENTS

Sections:

- 3.01 Improvements Required
 - 3.02 Inspection
 - 3.03 Minimum Improvements
 - 3.04 Easements Required
 - 3.05 Maintenance Bond Required
 - 3.06 Alternative Systems for Sewer or Water
-

SECTION 3.01: IMPROVEMENTS REQUIRED

The subdivider shall, at his or her expense, install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the city, and as shown on the approved preliminary plat.

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

SECTION 3.02: INSPECTION

All plans, specifications, installation and construction required by this Ordinance shall be inspected by the City Building Official to insure compliance with the requirements of this Ordinance. When considering the plans, specifications, installation and construction, the City Building Official shall be free to consult with an engineer or any other professional that the City Building Official deems appropriate before approving any improvement required by this Ordinance.

The subdivider shall furnish the City Building Official with a construction schedule prior to commencement of any and/or all construction; and shall notify the City Building Official not less than 24 hours in advance of readiness for required inspections.

The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the city.

SECTION 3.03: MINIMUM IMPROVEMENTS

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

3.03.A: Streets.

1. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley, or public space and provide appropriate paving. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the city. All streets shall be paved with concrete as designed by a registered engineer in accordance with the *Standard Specifications for Primary and Secondary Roads*, of the Iowa State Highway Commission.
2. Under some circumstances the city may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the city street system as it relates to both the area being platted and other areas. In such event, the city will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the city, become the property of the city.

3.03.B: Sanitary Sewer System.

1. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, sewer mains, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the city's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the city and at the sewer grades established by the city. The minimum size for sanitary sewer lines is 8 inches in diameter.
2. Under some circumstances the city may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to complete the city sanitary sewer system as it relates to both the area being platted and other areas. In such event, the city will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.
3. The above-mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the city becomes the property of the city.

3.03.C: Storm Sewer System.

The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with plans and specifications of the city and at sewer grades established by the city.

Under some circumstances the city may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the city storm sewer system as it relates to both the area being platted and other areas. In such event, the city will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The sewers shall, upon inspection, approval, and acceptance by the city, become the property of the city. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management, or the provisions of a storm water management plan if the city has adopted such plan.

3.03.D: Water Main System.

1. The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the city's existing water mains. The minimum size for water lines for subdivisions is 4 inches in diameter.
2. Under some circumstances the city may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to complete the city water distribution system as it relates to both the area being platted and other areas. In such event the city will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area.
3. The water mains shall, upon inspection approval, and acceptance by the city become the property of the city.

3.03.E: Other Improvements.

The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within the street area; the installation of walkways as necessary; grading, seeding, or sodding of all lots; the planting of any required trees; the installation of street signs, and the provision of street lighting. All such improvements shall be under the direction of the City Engineer or Director of Public Works, as appropriate.

1. Sidewalks shall be constructed at 48 inches wide and 4 inches thick. There shall be a minimum of one sidewalk on either side of the street.

SECTION 3.04: EASEMENTS REQUIRED

3.04.A: Public Utilities.

Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than 10 feet in width shall be granted by the owner along rear, and where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

3.04.B: Easements Along Streams and Watercourses.

Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the city an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the city.

SECTION 3.05: MAINTENANCE BOND REQUIRED

The owner and subdivider of the land being platted shall be required to provide to the city, proper maintenance bonds satisfactory to the city, so as to insure that for a period of one year from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

SECTION 3.06: ALTERNATIVE SYSTEMS FOR SEWER OR WATER

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

ARTICLE 4: MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

Sections:

- 4.01 Standards Prescribed
 - 4.02 Land Suitability
 - 4.03 Lands Subject to Flooding
 - 4.04 Plat to Conform to Comprehensive Plan
 - 4.05 Construction Standards for Improvements
 - 4.06 Street Standards
 - 4.07 Block and Lot Standards
 - 4.08 Parks and Open Space
 - 4.09 Parks and School Sites Reserved
-

SECTION 4.01: STANDARDS PRESCRIBED

The standards set forth in this Ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

SECTION 4.02: LAND SUITABILITY

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

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

SECTION 4.03: LANDS SUBJECT TO FLOODING

No subdivision containing land located in a floodway or a flood hazard area shall be approved by the city without the approval of the Iowa Natural Resources Council. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the zoning ordinance for the zone in which the lot is located.

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

- 4.03.A:** Included within individual lots in the subdivision, subject to the limitations of this section.

4.03.B: Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the city, providing for its care and maintenance by such owners.

4.03.C: If acceptable to the city, dedicated to the city as public open space for recreation or flood control purposes.

SECTION 4.04: PLAT TO CONFORM TO COMPREHENSIVE PLAN

The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of Mediapolis; and shall conform to such other plans, including not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the city.

SECTION 4.05: CONSTRUCTION STANDARDS FOR IMPROVEMENTS

In addition to the standards set forth in this Ordinance, the City Engineer shall from time to time prepare, and the City Council shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

Upon adoption by the City Council by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

SECTION 4.06: STREET STANDARDS

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

4.06.A: Circulation.

1. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets; the Commission may require thoroughfares or unsubsidized land. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
2. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.

4.06.B: Street Grades.

Street grades shall align to existing streets, and all grades for streets shall be as approved by the city.

4.06.C: Major Thoroughfares.

When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide motor access to such frontage by one of the following means:

1. A parallel street supplying frontage for lots backing onto the traffic way.
2. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highways.
3. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
4. A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the traffic way.

4.06.D: Half-Streets.

Half-streets are prohibited, except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required.

4.06.E: Street Intersections.

1. Streets shall intersect as close to right angles as possible; and no street shall intersect any other street at less than 60 degrees.
2. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.

4.06.F: Street Widths.

1. The following are minimum standards for collector and minor streets within a subdivision.

	Right-of-Way	Slab Width
Collector Streets	66 Feet	20 Feet*
Minor Streets	60 Feet	20 Feet*

*A greater minimum slab width may be recommended if a proposed street will connect to an existing street that contains a greater slab width, in which case the minimum slab width shall be the same as the street to which the proposed street is being connected.

2. Additional space of not less than 7 feet shall be reserved for parking on each side of a slab 20 feet in width or narrower.

4.06.G: Physical and Cultural Features.

In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas and other natural features that would lend themselves to be attractive treatment. Street jogs with centerline offsets of less than 125 feet shall be prohibited, except where topography or other physical conditions make such jogs unavoidable.

4.06.H: Dead-end Streets.

Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead-end may be allowed.

4.06.I: Cul-de-Sacs.

Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed 500 feet in length unless a greater length is unavoidable and approved by the City Council upon report and recommendation by the Public Works Director.

4.06.J: Alleys.

Alleys shall be permitted in residential areas and required in commercial and industrial areas with normal street frontage. Dead-end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of 100 feet.

4.06.K: Future Streets and Extensions.

When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the City Council, be made a requirement of the plat.

4.06.L: Continuation of Existing Streets.

Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the City Council.

4.06.M: Private Streets.

Private streets, not dedicated to the city, shall be avoided. The City Council may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the city will not have or need to assume any maintenance or other responsibility for such street.

SECTION 4.07: BLOCKS AND LOT STANDARDS

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

4.07.A: Residential Block Length and Widths.

1. No residential block shall be longer than 900 feet or shorter than 300 feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.
2. In blocks over 700 feet in length, the City Council may require a public way or an easement at least 15 feet in width, at or near the center of the block, for use by pedestrians and traffic.

4.07.B: Commercial and Industrial Blocks.

The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the Zoning Ordinance.

4.07.C: All Lots.

1. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
2. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least 35 feet measured as a straight line between the two front lot corners.
3. Unless unavoidable, lots shall not front, or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
4. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the City Council, a variation to this provision will provide a better street and lot layout.
5. Each lot shall be provided with not less than 20 feet of access frontage to a public street.

4.07.D: Corner Lots.

Corner lots shall be not less than 20 feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.

4.07.E: Double Frontage Lots.

Double frontage lots other than corner lots shall be prohibited, except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots. Such double frontage lots shall be buffered from the rear street frontage. Ingress-egress shall be limited to the frontage street and is strictly prohibited on the rear street.

4.07.F: Minimum Lot Sizes.

For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

	Principal Use Dwelling
Lot Area *	8,000 Square Feet
Lot Frontage *	70 Feet
Front Yard Depths	25 Feet
Side Yard Least Width on any one side	7 Feet
Width Sum of both Side Yards	15 Feet
Rear Yard Depths	25 Feet

* Lots that are not within a reasonable distance of a public sanitary sewer system shall have a minimum width of 80 feet and an area of 20,000 square feet.

SECTION 4.08: PARKS AND OPEN SPACE

All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of their residents. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space, provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

SECTION 4.09: PARKS AND SCHOOL SITES RESERVED

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

4.09.A: Proposed Park Sites.

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

4.09.B: Proposed School Sites.

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

ARTICLE 5: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

Sections:

- 5.01 Pre-Application Conference
 - 5.02 Sketch Plan Required
 - 5.03 Presentation to Planning Commission or City Council
 - 5.04 Subdivision Classified
 - 5.05 Plats Required
 - 5.06 Requirements of the Preliminary Plat
 - 5.07 Procedure for Review of Preliminary Plat
 - 5.08 Duration of Approval of Preliminary Plat
 - 5.09 Authorization to Install Improvements
 - 5.10 Completion and Acceptance of Improvements
 - 5.11 Performance Bond Permitted
 - 5.12 Requirement of the Final Plat
 - 5.13 Attachments to the Final Plat
 - 5.14 Procedures for the Review of Final Plat
-

SECTION 5.01: PRE-APPLICATION CONFERENCE

Whenever a subdivision is located within the platting jurisdiction of the city is proposed, the owner and subdivider shall schedule a pre-application conference with the Building Official. The conference should be attended by the Building Official and such other city or utility representative as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable.

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

SECTION 5.02: SKETCH PLAN REQUIRED

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

SECTION 5.03: PRESENTATION TO PLANNING COMMISSION AND CITY COUNCIL

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

SECTION 5.04: SUBDIVISION CLASSIFIED

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

5.04.A: Minor Subdivision.

Any subdivision that contains not more than 4 lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.

5.04.B: Major Subdivision.

Any subdivision that, in the opinion of the City Council, does not for any reason meet the definition of a minor subdivision shall be classified as a major subdivision.

SECTION 5.05: PLATS REQUIRED

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

SECTION 5.06: REQUIREMENTS OF THE PRELIMINARY PLAT

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

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

1. Title, scale, north point and date.
2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county.
3. The name and address of the owner and the name, address, and profession of the person preparing the plan.
4. A key map showing the general location of the proposed subdivisions in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within 200 feet of the subdivision boundary shall be attached.

6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.
8. Contours at vertical intervals of not more than 2 feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than 5 feet if the general slope is 10 percent or greater.
9. The legal description of the area being platted.
10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
11. The layout, numbers, and approximate dimensions of proposed lots.
12. The location, width, and dimensions of all streets and alleys proposed to be dedicated for public use.
13. The proposed names for all streets in the area being platted.
14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.
15. Proposed easements, showing locations, widths, purposes, and limitations.
16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.
17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
18. Any other pertinent information, as necessary.
19. The fee of \$25.00 dollars, payable to the City of Mediapolis, shall accompany the preliminary plat.

SECTION 5.07: PROCEDURES FOR REVIEW OF PRELIMINARY PLATS

5.07.A: The City Clerk, upon receipt of 20 copies of the preliminary plat, shall file one copy in the records of the city, shall retain one copy for public inspection, and shall forward the remaining copies of the plat to the Building Official.

1. In the case of a subdivision within the 2-mile area outside the corporate limits of the city, the City Clerk shall refer 2 copies of the preliminary plat to the County Board of Supervisors and the County Engineer advised of the status of the plat and actions taken thereon.

- 5.07.B:** The Building Official shall provide copies of the plat to the City Engineer, and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Commission.
- 5.07.C:** The Planning and Zoning Commission shall examine the plat and the report of the City Engineer, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the city, and conforms to the Comprehensive Plan and other duly adopted plans of the city. The Commission, shall within 45 days of filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the City Council. If such recommendation is to disapprove or modify the plat, the reasons thereof shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
- 5.07.D:** The City Council shall examine the plat, the report of the City Engineer, the report of the Commission, and such other information, as it deems necessary or desirable. Upon such examination the City Council shall ascertain whether the plat conforms to the ordinances and standards of the city, conforms to the Comprehensive Plan and other duly adopted plans of the city, and will be conducive to the orderly growth and development of the city; in order to protect the public health, safety, and welfare. Following such examination, the City Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the City Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the City Council, and such decisions shall be provided to the applicant. Action on the preliminary plat by the City Council shall be taken within 60 days of the filing of the plat with the City Clerk.

SECTION 5.08: DURATION OF APPROVAL OF PRELIMINARY PLAT

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

SECTION 5.09: AUTHORIZATION TO INSTALL IMPROVEMENTS

The approval of the preliminary plat shall constitute authorization by the City Council for the installation of improvements as required by this Ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvement have been submitted to and approved in writing by the City Engineer.

SECTION 5.10: COMPLETION AND ACCEPTANCE OF IMPROVEMENTS

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

SECTION 5.11: PERFORMANCE BOND PERMITTED

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

SECTION 5.12: REQUIREMENT OF THE FINAL PLAT

The subdivider shall, within 1 year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk, 20 copies of the final plat and required attachments, as set forth in this Ordinance. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the City Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one-inch equals 100 feet (1" = 100') or larger. Sheet size shall be no greater than 18 inches by 24 inches (18" x 24") nor smaller than 8 and one-half inches by 11 inches (8 ½" x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

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

1. The name of the subdivision.
2. Name and address of the owner and subdivider.
3. Scale, and a graphic bar scale, north arrow, and date on each sheet.
4. All monuments to be of record, as required by Chapter 114A, *Code of Iowa*.
5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
6. All distance, bearing, curve, and other survey data, as required by Chapter 114A, *Code of Iowa*.

SUBDIVISION ORDINANCE

ARTICLE 5: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
8. Street names and clear designation of public alleys.
9. Block and lot numbers.
10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. All interior parcels, except parcels clearly indicated and labeled "not a part of this plat."
13. The subdivider shall not reserve a strip of land unless the land is of sufficient size and shape to be of some practical use or service as determined by the City Council.
14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
15. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

SECTION 5.13: ATTACHMENTS TO THE FINAL PLAT

The following shall be attached to and accompany any final plat:

1. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
2. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner and that the land is free from encumbrances other than those secured by an encumbrance bond.
3. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes.

SUBDIVISION ORDINANCE

ARTICLE 5: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

4. A certificate from the Clerk of the District Court that the subdivision land is free from all judgments, attachments, or mechanics or other liens of record in his office.
5. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.
6. The encumbrance bond, if any.
7. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
8. A certificate by the City Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements shall have been provided to the City Engineer. In lieu thereof, the City Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the City Council has agreed that the city will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.
9. Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this Ordinance.
10. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet city standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance, shall be required.
11. A resolution and certificate for approval by the Council and signatures of the Mayor and City Clerk.
12. The applicable fee, if any.

SECTION 5.14: PROCEDURES FOR THE REVIEW OF FINAL PLATS

- 5.14.A:** The City Clerk, upon receipt of 20 copies of the final plat, shall file one copy in the records of the city, shall retain one copy for the public inspection, and shall forward the remaining copies to the Building Official.
- 5.14.B:** The Building Official shall provide copies of the plat to the City Engineer, and such other persons as are necessary to review the plat; and shall schedule the plat for review by the City Council.

SUBDIVISION ORDINANCE

ARTICLE 5: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

- 5.14.C:** The Building Official and the City Engineer shall examine the plat as to its compliance with the ordinances and standards of the city, and its conformance with the preliminary plat; and shall set forth their finding in writing. A copy of the findings shall be provided to the subdivider.
- 5.14.D:** If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the City Council for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Commission for review, prior to review by the City Council. The Commission shall then review the plat and shall forward a written recommendation thereon to the City Council within 45 days of the filing of the plat with the City Clerk. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendations shall be provided to the subdivider.
- 5.14.E:** Upon receipt of the plat and written reports thereon, the City Council shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the city and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the City Council shall approve the plat, and shall cause its approval to be entered on the plat as required by law.
- 5.14.F:** Action on the final plat by the City Council shall be taken within 60 days of the date of filing of the plat with the City Clerk. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the City Council and such decision shall be provided to the subdivider.

ARTICLE 6: OTHER PROVISIONS

Sections:

- 6.01 Variances
 - 6.02 Severability Clause
 - 6.03 Changes and Amendments
 - 6.04 Ordinance Not to Limit Other Ordinances
 - 6.05 Repealer
 - 6.06 Effective Date
-

SECTION 6.01: VARIANCES

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the City Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship.

SECTION 6.02: SEVERABILITY CLAUSE

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

SECTION 6.03: CHANGES AND AMENDMENTS

This Ordinance or any provision of this Ordinance may be changed or amended from time to time by the City Council, provided that such changes or amendments shall not be effective until after a study and report by the Commission is done and a public hearing has been held, public notice of which shall have been published at least once in a local newspaper, not less than 4 nor more than 20 days before the date of the hearing.

SECTION 6.04: ORDINANCE NOT TO LIMIT OTHER ORDINANCES

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

SECTION 6.05: REPEALER

All subdivision ordinances, or parts of subdivision ordinances, or amendments in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6.06: EFFECTIVE DATE

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

Passed and approved by the City Council of Mediapolis, Iowa, this _____ day of _____, 2001.

Mayor of the City of Mediapolis, Iowa _____

ATTEST:

City Clerk of the City of Mediapolis, Iowa _____