

CHAPTER 170

SUBDIVISION REGULATIONS

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170.04 GENERAL PROVISIONS

170.04.010 Title. These regulations shall be known as the "Subdivision Regulations of Van Meter, Iowa."

170.04.020 Purpose.

- A. In the best interests of the city and to assist the subdivider in harmonizing his interests with those of the city, the following regulations are adopted in order that adherence to same will bring results that are beneficial to both parties. It is deemed necessary to establish minimum standards for the design and development of all new subdivisions in order to eliminate piece-meal planning and to insure sound community growth and safe-guarding of the interests of the homeowner, the subdivider, and the local government.
- B. It shall be the duty of the commission to require that all regulations set forth in this title be complied with, before giving their approval. It is the purpose of this title to make regulations and requirements for the platting of land which the City Council deems necessary for the health, safety and general welfare of the citizens.

170.04.030 Jurisdiction. In accordance with the provisions of Section 354.8 and 354.9, Code of Iowa, 1991, as amended, the ordinance codified in this title is adopted by the City, governing the subdivision of all lands within the corporate limits of the City of Van Meter, Iowa, and within two (2) miles distance from the City's boundaries. Accordingly, all subdivisions or plats of survey located in the following areas are subject to review by the City Council of the City of Van Meter:

Areas in Township 78 North, Range 27 West of the 5th P.M., Dallas County, Iowa which are within 2 miles of the revised City Limits of Van Meter, Iowa.

S 1/2 SE 1/4 Section 8; S 1/2 Section 9; S 1/2 SW 1/4 Section 10; SW 1/4 SW 1/4

Section 13; SW 1/4 NE 1/4, NW 1/4 & S 1/2 all in Section 14; Section 15; Section 16; Section 17 except the NW 1/4 of the NW 1/4; SE 1/4 SE 1/4 Section 18; E 1/2 Section 19; Section 20; Section 21; Section 22; Section 23; W 1/2 and W 1/2 SE 1/4 Section 24; Section 25 except E 1/2 NE 1/4 & E 1/2 SE 1/4; Section 26; Section 27; Section 28; Section 29; E 1/2 Section 30; E 1/2 Section 31; Section 32; Section 33; Section 34; Section 35; and W 1/2 and W 1/2 NE 1/4 Section 36; all in Township 78 North, Range 27 West of the 5th P.M., Dallas County, Iowa.

Areas in Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa which are within 2 miles of the revised City Limits of Van Meter, Iowa.

W 1/2 NW 1/4 Section 1; Section 2 except SE 1/4 SE 1/4; Section 3; Section 4; SE 1/4, E 1/2 NW 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, NW 1/4 SE 1/4 Section 5; NE 1/4, N 1/2 NW 1/4 Section 9; N 1/2 Section 10 and N 1/2 NW 1/4 Section 11 all in Township 77 North Range 27 West of the 5th P.M. Madison County, Iowa.

The City Clerk of the City of Van Meter shall record this ordinance with the County Recorders for both Dallas and Madison Counties and file the same with the County Auditors of those counties as well.

170.08 ADMINISTRATION

170.08.010 Generally. The offices set out in this chapter of the government of the city are concerned with the administration of this title.

170.08.020 City Council. The City Council is vested with the following responsibilities with regard to subdivision control:

- A. Approval or disapproval of all preliminary and final plats referred to it by the commission and make determinations in the areas of design standards, engineering specifications, and park and recreational areas.
- B. Approval or disapproval of all variations and exceptions recommended by the commission.
- C. Amendment of the regulations of this title when found necessary and desirable, as hereinafter provided.
- D. Initiation of appropriate proceedings to enforce the provision of this title

170.08.030 Plan and Zoning Commission. The Plan and Zoning Commission shall administer the provisions of this title, and in furtherance of the authority, shall:

- A. Maintain permanent and current records of this title, including amendments thereto.
- B. Receive and file all preliminary plats and final plats, together with applications.
- C. Forward copies of the preliminary plat to other appropriate offices and agencies for their recommendations and report.
- D. Forward, with recommendations to the Council, all preliminary plats.
- E. Receive and file all final plats, and check their compliance with the preliminary plat.
- F. Forward, with recommendations to the council, all final plats.
- G. Make all other determinations required by the regulations in this title.

170.12.010 Generally.

- A. Whenever the words and phrases set out in this chapter are used in this title, they shall be given the meanings attributed to them in this chapter.
- B. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular.
- C. All other terms used in the regulations set out in this title shall have their normal meaning, except that terms common to engineering and surveying shall be used in their professional sense.

170.12.015 Aliquot Part. "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.

170.12.020 Alleys. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

170.12.025 Auditor's Plat. Auditor's plat. "Auditor's plat" means a subdivision plat required by either the county auditor or the county assessor, prepared by a surveyor under the direction of the county auditor.

170.12.030 Block. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land or the boundary of a subdivision.

170.12.040 Building Setback Line. "Building setback line" means a line within a lot or

parcel of land, so designated on the plats, between which line and a street no building or structure may be erected.

170.12.050 City Council. "City Council" means the governing body of Van Meter, Iowa.

170.12.060 Clerk/Treasurer. "Clerk/Treasurer" means the Clerk/Treasurer of the City of Van Meter, Iowa.

170.12.070 Collector Street. "Collector street" means a street intended to carry vehicular traffic from minor streets to major streets and/or thoroughfare systems.

170.12.080 Commission. "Commission" means the plan and zoning commission of Van Meter, Iowa.

170.12.090 Comprehensive Plan. "Comprehensive plan" means the general plan for the development of the community, which 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.

170.12.095 Conveyance. "Conveyance" means an instrument filed with a county recorder as evidence of the transfer of title to land, including any form of deed or contract.

170.12.100 Cul-de-sac. "Cul-de-sac" means a minor street having one open end and being permanently terminated by a vehicular turn-around.

170.12.110 Days. "Days" refers to calendar days.

170.12.120 Design Standards. "Design standards" shall mean the current version of the Statewide Urban Design Standards and any special design standards adopted by the City of Van Meter. Special or specific design standards adopted by the City of Van Meter shall take precedence over the general requirements of the Statewide Urban Design Standards.

170.12.130 Developers. "Developers" means the owner or agent under legal authority of the owner or owners who undertake to cause a parcel of land to be designed, constructed and recorded as a subdivision.

170.12.135 Division. "Division" means 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 easement for roadway purposes, shall not be considered a division for the purpose of this chapter.

170.12.140 Easement. "Easement" means a grant by a property owner of the use of land for construction or maintenance of facilities in accordance with the comprehensive plan and the

requirements of these regulations.

170.12.150 Engineer. "Engineer" means a registered engineer as defined by the Registration Act of the State of Iowa.

170.12.170 Final Plat. "Final plat" means the map or drawing and necessary legal papers, to engineering accuracy and containing the items specified by these regulations, on which the subdivision plan is presented, in the form which, when approved, will be filed and recorded with the county recorder.

170.12.180 Frontage Street. "Frontage street" means a street contiguous to and generally paralleling an expressway, parkway, or through street. It is designed so as to intercept, collect and distribute traffic desiring to cross, enter, or leave such a highway and to furnish access to property that otherwise would be isolated as a result of the controlled-access feature.

170.12.190 Grading Plan. "Grading plan" means a drawing of a proposed subdivision with plans and specifications for grading, intended to represent the layout, which will be approved for construction by the commission and City Council.

170.12.200 Highway. "Highway" means a trafficway primarily for through traffic, usually on a continuous route, not having access control.

170.12.210 Improvements. "Improvements" mean changes and additions to land necessary to prepare it for building sites, and including street paving and curbing, grading, monuments drainage ways, sewers, fire hydrants, water mains, sidewalks, and other public works and appurtenances.

170.12.220 Intersection. "Intersection" means the area embraced within the prolongation of connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

170.12.230 Lot. "Lot" means a parcel of land abutting on a street whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building, structure, and/or accessory buildings, is sufficient to provide the yards required by the regulations of the zoning ordinance. "Lot" also means a tract of land represented and identified by number or letter designation on an official plat

170.12.240 Maintenance Bond. "Maintenance bond" means a surety bond, cash deposit, or escrow agreement made out to the City in an amount equal to the full cost of the improvements which are required by this title, cost being estimated by the city engineer or City Council, and the surety to the city that the improvements shall be kept in good repair from the time of acceptance by the City of the improvements for such period of time as is specified by this title.

170.12.250 Thoroughfare. "Thoroughfare" means an arterial street with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

170.12.260 Minor Street. "Minor Street" means a street used primarily for access to the abutting properties, having a minimum right-of-way width of sixty feet.

170.12.270 Outlet. "Outlet" means a parcel of land within a subdivision which has been included on a preliminary or final plat, but which is not designated as a buildable lot due to insufficient size and/or frontage or peculiar site or topographical problems.

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

170.12.280 Performance Bond. "Performance bond" means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this title, 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.

170.12.290 Plat. "Plat" means a graphic presentation on which the subdivider's plan for the subdivision of land is presented and which is submitted for approval and subsequent action.

170.12.295 Pre-developed Condition. "Pre-developed condition" means those hydraulic and hydrologic site characteristics existing prior to the development being proposed.

170.12.300 Preliminary Plat. "Preliminary plat" means a plat showing all the facts needed to enable the commission to determine whether the proposed layout of the land is satisfactory from the standpoint of public interest.

170.12.310 Replat and Resubdivision. "Replat and resubdivision" means a plat representing land which has previously been included in a recorded plat.

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

170.12.330 Shall and may. "Shall" is mandatory and not discretionary; and "may" is permissive.

170.12.335 Standard Specifications. "Standard specifications" shall mean the Iowa Statewide Urban Standard Specifications for Public Improvements and any special provision or modification adopted by the City of Van Meter. Special provisions or modifications adopted by the City of Van Meter shall take precedence over the general requirements of the Iowa Statewide Urban Standard Specifications for Public Improvements.

170.12.340 Street. "Street" means an improved right-of-way dedicated to public use,

which serves as a primary access to abutting lands.

170.12.350 Street, Private. "Private street" means any street which is under the jurisdiction of an individual, corporation or trustee, or any street which is privately owned or established.

170.12.360 Subdivider. "Subdivider" means any person, partnership, corporation, trustee, trust or other legal entity commencing proceedings under this title to effect a subdivision of land hereunder.

170.12.370 Subdivision. "Subdivision" means a tract of land divided into three or more lots. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

170.12.375 Tract. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

170.12.380 Used for. "Used for" includes the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

170.16 APPROVAL PROCEDURES

170.16.010 Preliminary Plat Application and Review Procedure.

- A. Fifteen (15) copies of the preliminary plat and supplementary material specified shall be submitted to the commission with written application for approval at least fifteen (15) days prior to the meeting at which it is to be considered. These materials shall be retained by the Commission.
- B. The application for approval of the preliminary plat shall be accompanied by a certified check or money order payable to the city in the amount of One Hundred (100) Dollars plus Ten (10) Dollars for each lot in the proposed subdivision.
- C. The City Clerk, upon receipt of the required copies of the preliminary plat, shall file one copy in the records of the city and shall retain one copy for public inspection. The City Clerk 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.

- D. The 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 forty-five (45) days of the filing of the application for approval 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 therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
- E. 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 therefor 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 application for approval by the City Council shall be taken within ninety (90) days of the filing of the plat with the City Clerk, unless such time period is extended by agreement between the subdivider and the City.

170.16.020 Preliminary Plat Approval.

- A. The approval by the City Council of the preliminary plat shall constitute authorization for the installation of improvements as required by this title, 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 has been submitted to and approved in writing by the city engineer.
- B. If the City Council does not act within the ninety (90) days, the preliminary plat shall be deemed to be approved as is.
- C. Approval of the preliminary plat shall not constitute approval of the final plat.
- D. The approval of the preliminary plat shall be null and void unless a completed application for approval of the final plat is filed with the City Clerk within one (1) year after the date of approval of the preliminary plat. For a preliminary plat that includes a phased improvement, in which more than one final plat will be filed, shall remain valid for a period of two (2) years after the approval of the initial preliminary plat and shall continue to be valid for a period of two (2) years

following the application for approval of a final plat in any portion of the preliminary plat. If a period of more than two (2) years elapses after the application for approval of a final plat within the approved preliminary plat, the preliminary plat shall be null and void. The City Council may extend the period of validity of the preliminary plat by not more than two (2) years.

- E. When the preliminary plat has been approved, one copy of the plat shall be returned to the applicant, with street addresses annotated to the lots.

170.16.030 Final Plat Procedure.

- A. The final plat shall conform substantially to the preliminary plat as approved and to §§354.6, 354.11, and 355.8, Code of Iowa, as amended. If desired by the subdivider and approved by the Council, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- B. Fifteen (15) copies of the final plat and other exhibits required for approval shall be prepared as specified in Chapter 170.20.030 of this code and shall be submitted to the City Clerk. The plat shall be accompanied by one of the following:

170.16.040 Final Plat Application.

- A. Application for approval of the final plat shall be submitted in writing at least fifteen (15) days prior to the meeting of the Commission at which it is to be considered.
- B. The City Clerk, upon receipt of the required copies of the final plat shall file one (1) copy in the records of the City, shall retain one (1) copy for public inspection. The City Clerk 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.
- C. The City Clerk and the city engineer shall examine the plat as to its compliance with the ordinances and standards of the City and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

170.16.050 Final Plat Approval by Commission. Within forty-five (45) days after the application for approval of the final plat, the Commission shall approve or disapprove the final plat. If the Commission approves, it shall affix its seal upon the plat together with the certifying signature of its chairman and secretary. If the Commission disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

170.16.060 Final Plat Approval by Council.

- A. Upon receipt of the plat and written reports thereof, the City Council shall review the final plat and attachments thereto. If the final plat is found to conform to the ordinances and standards of the City and the comprehensive plan and other adopted plans, all as of the date of approval of the preliminary plat and is found to substantially conform to the preliminary plat, upon payment by the developer to the City for all engineering and legal costs incurred by the City in connection with the approval of the final plat, the City Council shall approve the final plat, and shall cause its approval to be entered on the final plat as required by law.
- B. Prior to review of the final plat the City Council must receive a certificate by the city engineer that all improvements and installations to the subdivision required for its approval have been made and completed.
- C. If the required improvements have not been completed and the city engineer cannot certify completion of the improvements, the applicant, with the approval of the City Council, may submit a Performance Bond for completion of the required improvements. The Performance Bond shall be with a surety company, licensed to do business in the State of Iowa, shall be in an amount determined by the City to be sufficient to ensure completion of the required improvements and specify the time for completion of the improvements. In lieu of a surety bond, the City Council may approve an irrevocable letter of credit as surety. The Performance Bond or irrevocable letter of credit must be posted and provided to the City before consideration of the final plat by the City Council.

170.16.070 Final Plat--Approval by Council Time Limit. Within sixty (60) days after the application for approval of the final plat, the City Council shall approve or disapprove the final plat, unless such time period is extended by agreement between the subdivider and the City. The period for consideration under this section does not start until the application for approval is complete, including all required final plat attachments. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the City Council and such decision shall be provided to the subdivider.

170.16.080 Final Plat Approval by Council Recording and Filing. Upon approval, the City Council, by resolution, shall approve the final plat and certify the resolution. Upon obtaining the certified resolution of approval by the City Council, the developer shall record the plat with the county recorder and the county auditor within thirty (30) days. If not recorded within this time, the approval shall be null and void. Immediately after recording, the original or a certified copy shall be filed with the office of Clerk/Treasurer.

170.20 PLATS

170.20.010 Plats Required. In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this title which shall comply with the requirements for a preliminary plat and the requirements for a final plat.

170.20.020 Preliminary Plat Requirements. The subdivider shall prepare and file with the City Clerk fifteen (15) copies of the preliminary plat drawn to a scale of one (1) inch equals one hundred (100) feet or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one (1) 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:

- A. Title, scale, north point and date.
- B. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.
- C. The name and address of the owner and the name, address and profession of the person preparing the development.
- D. A key map showing the general location of the proposed subdivision in relation to surrounding development.
- E. The names and locations of adjacent subdivision and the names of record owners and location of adjoining parcels of unplatted lands. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundaries shall be attached.
- F. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plat.
- G. Existing and proposed zoning of the proposed subdivision and adjoining property.
- H. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
- I. The legal description of the area being platted.
- J. The boundary of the area being platted and the location of the property in reference to known section lines.

- K. The layout, numbers and approximate dimensions of proposed lots.
- L. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.
- M. The proposed names for all streets in the area being platted.
- N. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.
- O. Proposed easements, showing locations, widths, purposes and limitations.
- P. 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.
- Q. General summary description of any protective covenants or private restrictions to be incorporated in the final plat.
- R. Any other pertinent information as necessary.
- S. The fee, as required by this title.

170.20.030 Final Plat Requirements. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk fifteen (15) copies of the final plat and required attachments, as set forth in this title. Except for a final plat for a minor subdivision as set forth in this title, 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 in this title. The final plat shall be drawn at a scale of one (1) inch equals one hundred (100) feet or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8-1/2 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:

- A. The name of the subdivision.
- B. Name and address of the owner and subdivider.
- C. Scale and a graphic bar scale, north arrow and date on each sheet.
- D. All monuments to be of record, as required by Chapter 354 of the Code of Iowa.

- E. Sufficient survey data to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided land.
- F. All distance, bearing, curve and other survey data, as required by Chapter 354 of the Code of Iowa.
- G. 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.
- H. Street names and clear designation of public alleys.
- I. Lot letters and numbers.
- J. 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.
- K. 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 ingress and egress and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- L. All interior excepted parcels, clearly indicated and labeled "not a part of this plat".
- M. Outlots, including identification and purpose.
- N. 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.
- O. 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 certificate of the accuracy of the plat by the registered land surveyor who drew the plat.
- P. Lot address numbers as assigned by the City.
- Q. Notes and restrictions required by the City.

170.20.040 Final Plat Attachments. The following shall be attached to and accompany any final plat:

- A. All documents required under current Iowa Code § 354.11, as amended or modified from time to time.
- B. The encumbrance bond, if any.
- C. A statement of restrictions of all types that run with the land.
- D. Where the improvements have been installed, the maintenance bond required by this title.
- E. 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.
- F. A resolution and certificate for approval by the City Council and for signatures of the Mayor.
- G. Warranty deeds for all lots to be deeded to the City for street right-of-way or other purposes.
- H. The applicable fee, if any.

170.28 DESIGN STANDARDS

170.28.010 Purpose and Intent. The standards of design contained in this chapter are intended only as minimum requirements, and the sub-divider should use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood. All subdivisions shall conform to the Design Standards and Standard Specifications for Public Improvements and adopted by the City and to the Comprehensive Plan as approved and adopted.

170.28.020 Streets. Street design standards shall be as set forth in this section.

- A. General.
 - 1. The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan.
 - 2. All streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and

- in their relation to the proposed uses of the land to be served by such streets.
3. Where such is not shown on the comprehensive plan, the arrangement of streets in a subdivision shall either:
 - a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b) Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
 4. Where a subdivision abuts or contains an existing or proposed highway, primary thoroughfare, railroad or other disadvantageous use, the commission may impose requirements concerning streets, access drives, service drive, reverse frontage lots, or any other such requirements as may be necessary to preserve the character of the neighborhood.
- B. Access. Reserve strips controlling access to streets or alleys shall be prohibited.
- C. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets, constructed or recorded, in adjoining property at equal or greater width and in similar alignment, unless variations are recommended by the Commission.
- D. Cul-de-sac. Cul-de-sac type streets shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround of at least the minimum radius required by the Design Standards.
- E. Grade. Streets shall be completed to grades which have been officially approved by the City Council.
- F. Half Streets. Dedication of half streets is not allowed.
- G. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) nor more than one hundred twenty (120) degrees. Intersection of more than two (2) streets at a point shall be prohibited.
- H. Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- I. Minor Streets. Minor streets shall be laid out so that their use by through traffic

will be discouraged.

- J. **Street Names.** All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. Streets that are in obvious alignment with existing streets shall bear the name of the existing streets. The final plat shall show the proposed names of new streets, and these names shall not duplicate or sound similar to existing street names. All street names are subject to approval by the City.
- K. **Street Geometrics.** The geometrics of all streets shall conform with the requirements of the Design Standards adopted by the City unless deviations from the Design Standards are approved by the City Council on recommendation of the city engineer.
- L. **Street and Right-of-Way Widths.** The minimum right-of-way width and street pavement width shall be as follows:

Street Classification	Right-of-Way Width	Pavement Width
	(feet)	(feet)
Minor	50	26
Local Collector	60	31
Collector	70	37
Arterial	100	51

- M. **Street Construction.** All streets shall be constructed of portland cement concrete pavement in accordance with the Design Standards adopted by the City. Upon application and recommendation of the city engineer, the City Council may approve street construction of portland cement concrete curb and gutter sections with full depth hot mix asphalt pavement.
- N. **Alleys.** Unless approved by the City, alleys shall not be allowed.

170.28.030 Blocks.

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 2. Zoning requirements as to lot sizes and dimensions.
 3. Needs for convenient access, circulation, control and safety of street traffic.

4. Limitations and opportunities of topography.
- B. Block lengths shall not exceed six hundred sixty (660) feet, or be less than three hundred (300) feet.

170.28.040 Required Improvements. Required improvements are as follows:

- A. **General.** The sub-divider shall install and construct all improvements required by this chapter. The sub-divider shall submit three (3) sets of the plans and specifications for all public improvements to be reviewed by the city engineer and approved by the City Council prior to start of construction. All required improvements shall be installed and constructed in accordance with the "Standard Specifications" on file in the office of the City Clerk, unless otherwise approved by the city engineer. Inspection shall be provided by the City at the subdivider's expense as deemed necessary to assure the quality workmanship on all portions of the construction to be dedicated to the City. Said inspections costs which are a part of the review and inspection costs provided for, and shall be paid for by the subdivider before final approval will be given. The subdivider shall provide a minimum twenty-four (24) hours notice to the City prior to commencement of construction work so the City can make arrangements for an inspector. At the completion of construction, all improvements required by these regulations shall be reviewed and approved by the City Council.
- B. **Grades.** All streets, alleys and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council after receiving the report and recommendations of the city engineer.
- C. **Paving.** Concrete paving with curbs shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of portland cement concrete in accordance with designs and specifications approved by the City Council and at grades established by the city engineer.
- D. **Sidewalks.** Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four feet (4') in width and shall be constructed of portland cement concrete in accordance with designs and specifications approved by the City Council and at grades established by the city engineer.
- E. **Water and Sewers.** Water mains, sanitary sewer lines, and storm sewers and their appurtenances shall be constructed and installed in accordance with the plans and specifications adopted by the City Council. Water and sewer lines shall be made accessible to each lot.
- F. **Storm Sewer.** A suitable storm sewer for sump pump drainage shall be available

to all lots within a subdivision.

- G. Extension of Services to Property Line. The subdivider shall extend services for water, sewer, and sump pump discharge to the lot lines for each lot within a subdivision. The locations of the services must be clearly marked and a record of the service locations provided to the City by the subdivider.

170.28.050 Easements. Easements shall be designated for the location of utilities and drainage as follows:

- A. Sanitary sewer easements shall not be less than twenty (20) feet wide for sanitary sewers not greater than fifteen (15) feet deep. For sanitary sewers greater than fifteen (15) feet deep the minimum width of the easement shall be established by the city engineer.
- B. Water main: ten (10) feet.
- C. Storm sewer: easement shall not be less than fifteen (15) feet in width. For storm sewers twenty-four (24) inch diameter and larger the width of the easement shall be determined by the city engineer.
- D. Public utility easements shall be provided for utilities and shall be provided on the front and rear of all lot lines and shall be a minimum of five (5) feet wide on the rear lot line and a minimum of ten (10) feet adjacent to the front lot line.
- E. Overland flowage easements shall be provided at all locations where overland flow drainage shall traverse a lot, outlot or other portion of the plat. Width of the overland flowage easement shall be at least as wide as the anticipated overland flow during a 100-year rainfall event.

170.28.060 Lots.

- A. Size, width, depth, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Lot dimensions shall conform to the requirements of the City's zoning ordinance; and within the corporate limits of the city, all lots shall abut on a dedicated and improved street.
- C. Corner lots for residential use shall have extra width to permit appropriate building setback from both streets as specified in the zoning ordinance.
- D. Side lot lines shall be at right angles or radial to street lines, except where a variation of this rule will provide an improved street and lot layout.

- E. Where unusual soil conditions or other physical factors exist which may impair the health and safety of the residents of the neighborhood in which a subdivision may be located, the commission may increase lot area requirements as may be necessary.
- F. Excessive depth in relation to width shall be avoided, a proportion of two and one-half in depth to one (2-1/2:1) in width shall normally be considered as a desirable maximum for lot widths of sixty-six (66) feet or more.
- G. Double frontage and reversed frontage lots shall be avoided except when necessary to provide separation of residential development from heavily traveled thoroughfare, or to overcome specific disadvantages of topography or orientation.

170.28.070 Large Lot Subdivisions. Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements or deeds providing for the present or future opening and extension of such streets may, at the discretion of the council, be made a condition of the approval of the plat.

170.28.080 Storm-water Runoff.

- A. Development of property without disposition of storm water runoff is prohibited. The owner of any parcel(s) who shall grade, fill, construct on or otherwise alter the existing storm water runoff rates, velocities, volumes or drainage patterns shall be responsible for damages, inconveniences or distress resulting from such activities.
- B. No development shall cause downstream property owners, water courses, channels, or conduits to receive storm water runoff from the proposed development site at a higher peak flow rate, at higher volume, or at higher velocities than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, pre-developed condition, unless sufficient capacity to convey the water through downstream property owners, water courses, channels or conduits to receive storm water runoff from the proposed development site is demonstrated.
- C. The City shall have no obligation to review, check, or otherwise verify the certified engineering calculations, method of design, or storm water detention facility plans and as-built drawings required to be submitted. Acceptance of storm water detention plans, calculations or as-built drawings and issuance or approval of any permit or plat shall be interpreted as satisfying the requirement that such plans, calculations and documents be submitted to the City. In no

instance shall such permit issuance, plat approval, or acceptance of such documents by the City be construed as approval of the developers or the developer's engineer's design methods, design calculations, detention facility plan, as-built drawings, approval of detention construction, or concurrence by the City of Van Meter, Iowa, that all design criteria has been satisfied. The developer and the developer's engineer shall be fully responsible for the design and construction of stormwater detention facilities and shall indemnify and hold the City of Van Meter, Iowa, harmless from any claims, demands or causes of action based upon a violation of the provisions of this section.

170.08.090 Floodplain and Areas Particularly Susceptible to Flooding. If a subdivision or a portion thereof lies within a flood plain area, as defined by federal or Iowa statutes or regulations promulgated thereunder, or includes or may include area particularly susceptible to flooding, the City may in its sole discretion, impose reasonable conditions upon approval of the preliminary and final plat to protect the health, safety, and welfare of property owners, adjacent property owners, and the public from flooding or potential flooding.

170.36 IMPROVEMENTS

170.367.010 Generally. The subdivider shall install and construct all improvements required by this title. All required improvements shall be in accordance with approved Standard Specifications and under supervision of the City Council.

170.367.020 Maintenance Required. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of the improvements by the City. If there are any occupancy permits on a street not dedicated to the City, the City may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge same to applicant.

170.367.030 Maintenance Bond. The applicant shall be required to file a maintenance bond with the City Council, prior to approval of final plat and dedication of improvements to the public, in an amount considered adequate by the city engineer and in a form satisfactory to the city attorney, in order to assure the satisfactory condition of the required improvements for a period of time in accordance with the schedule set forth in this section. The time shall run from the date of their acceptance by the City Council and dedication of same to the City.

Type of Maintenance Bond	Bonding Period
Pavements Sanitary	4 years
Sewer Storm Sewer	4 years
Sidewalk	2 years

170.36.040 Inspection. The City Council shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the City the cost of the inspection fees which shall include inspection of water mains, sewer, streets, or any other required improvements; and the subdivision plat shall not be signed by the mayor unless such fee has been paid at the time of application. If the city engineer finds upon the inspection that any of the required improvements have not been constructed in accordance with the approved construction standards and specifications, the applicant shall be responsible for completing the improvements according to such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements in accordance with the standards and specifications approved by the City Council.

170.36.050 Performance Bond or Letter of Credit Release or Reduction.

- A. **Certificate of Satisfactory Completion.** The City shall not accept dedication of required improvements, nor release nor reduce a performance bond or letter of credit, until the city engineer has submitted a certificate stating that all required improvements have been satisfactorily completed; and until the applicant's engineer or surveyor has certified to the city engineer, through submission of detailed as-built survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the plan and zoning commission, City Council or city engineer, that the layout of the line and grade of all public improvement is in accordance with construction plan for the subdivision; and that a certification has been furnished to and approved by the city attorney indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure.
- B. **Reduction of Performance Bond or Letter of Credit.** The amount of a performance bond or letter of credit shall be reduced upon actual dedication of public improvements, and then only by the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall the amount of a performance bond or letter of credit be reduced below twenty-five (25) percent of the principal amount, until all improvements are accepted and dedicated.

170.36.060 Failure to Complete Improvements. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the city may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

170.36.070 Monumentation. Monumentation shall conform to Iowa Code §355.6, as amended.

170.36.080 Utilities and Streets Standards. Utility and street improvements shall be provided in each new subdivision in accordance with the standards adopted by the City.

- A. Street paving with integral curb and gutter shall be installed on all roadways in the lot being dedicated for public use.
- B. Gas mains shall be installed underground by the gas utility.
- C. There shall be street name signs at all intersections of size and design approved by City Council.
- D. Electric main lines with accessory equipment shall be laid underground in the public utility easements adjacent to the street right-of-way or along rear lot lines.
- E. Telephone main lines with accessory equipment shall be laid underground in the public utility easements adjacent to the street right-of-way or along rear lot lines.
- F. Sidewalks shall be constructed on both sides of all streets dedicated to public use, except a sidewalk need not be provided on street right-of-way abutting nonresidential or noncommercial tracts of land, such as parks, large industrial sites, water courses, cemeteries, etc., unless required by the City Council.
- G. The sidewalks shall have a minimum width of four (4) feet, and have a minimum thickness of four (4) inches, and shall be constructed of portland cement concrete in accordance with designs and specifications approved by the City Council.
- H. Street trees shall not be planted in the public right-of-way.
- I. Topsoil shall not be removed from residential lots or used as spoil.
- J. Fire hydrants shall be installed in accordance with specifications approved by the City Council.
- K. Street lights shall be installed in accordance with designs and specifications approved by the City Council.

170.40 DEDICATION OFFERS

170.40.010 Acceptance. Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by resolution of the City Council. All offers and dedications shall be in the form of a warranty deed to the City. The approval by the City Council of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on the plat.

170.44 SUBDIVISIONS WITHIN TWO MILES ADJACENT TO THE CORPORATE LIMITS**170.44.010 Plats Outside Corporate Limits.**

- A. Requirements and procedure for approval of preliminary and final plats of land within two (2) miles of the corporate limits shall be the same as the requirements and procedure for approval of preliminary and final plats within the corporate limits except that the application for approval of the final plat shall not be considered by the council until it has been submitted and approved by the Dallas County Board of Supervisors.
- B. In reviewing a proposed subdivision of land within two (2) miles of the corporate limits, the City Council, upon recommendation of the Commission, may vary or modify the requirements for a subdivision within the corporate limits so that the subdivider is allowed to develop his property in a reasonable manner, provided, that such variance or modification will not have the effect of nullifying the intent and purpose of this title for the city or of interfering with carrying out the comprehensive plan. Upon any request to relax the requirements contained in these regulations, consideration shall be given to the following:
1. Conformance of the proposed street system in the subdivision to the comprehensive plan, location of the proposed subdivision in relation to sites which the comprehensive plan proposes for public or semi-public use and whether land should be reserved for such uses including, but not limited to, schools, parks, playgrounds, public buildings, public utilities, airports, etc.
 2. Whether the size of lots in the subdivision conform to requirements of zoning.

170.44.020 Petition. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the considerations of the commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

170.44.030 Waiver of Review. The Council may, by resolution, waive its right to review the subdivision and certify the resolution which shall be recorded with the plat.

170.48 EXCEPTIONS

170.48.010 Generally. Whenever the tract to be subdivided is of such unusual topography, size, or shape that the strict application of the requirements contained in these regulations would result in substantial non-self-inflicted hardships, the City Council, upon recommendation of the commission, may vary or modify such requirements so that the

subdivider is allowed to develop his property in a reasonable manner; provided, that such variance or modification will not have the effect of nullifying the intent and purpose of this title for the city or of interfering with carrying out the comprehensive plan. In no case shall any variation or modification be more than a minimum easing of the requirements, and in no instance shall it conflict with any zoning ordinance and map, or reduce the traffic capacity of any street below that shown on the comprehensive plan.

170.48.020 Petition. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the considerations of the planning commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

170.52 ENFORCEMENT

170.52.010 General Provisions.

- A. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of the subdivision has been approved by the City Council, in accordance with the provisions of this title, and filed with the county recorder.
- B. The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading this title, for the purpose of sale, transfer or lease, shall be subject to all of the requirements and regulations contained in this title.
- C. No building or repair permit shall be issued for the construction or repair of any building or structure located on a lot or plot subdivided or sold in violation of the regulations of this title. An original tract, however, may be divided into two lots or tracts and not be subject to the provisions of this section.
- D. No plat of a subdivision shall be approved which does not comply with all of the provisions of this title, except as may be allowed in Chapter 170.48.

170.56 PENALTIES

170.56.010 Violation Penalty. Whoever being the owner or agent of the owner of any land located within or adjacent to the city, knowingly or with intent to defraud, transfers or sells, by reference to or exhibition of, or by other use of a plat of subdivision of such land before such plat has been approved by the commission, shall forfeit and pay the penalty of not more than one hundred (100) dollars for each lot so transferred or sold, or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties.