

## CHAPTER 180

# SUBDIVISION REGULATIONS

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**180.01 PURPOSE.** It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

**180.02 JURISDICTION.** This chapter is adopted by the City governing the subdivision of all lands within the corporate limits of the City, and pursuant to the provisions of Section 354.9 of the Code of Iowa, the City reserves the right to review each and every subdivision plat, and plat of survey, which is proposed to be developed on any and all land in the unincorporated area outside the corporate boundaries of the City, but within two miles of those corporate boundaries. These subdivision plats will be reviewed by the same standards and conditions used for review and approval of subdivisions within the City limits. In the alternative, the City reserves the right granted by Section 354.9(2) of the Code of Iowa and approval pursuant to Chapter 28E Agreements entered into and recorded between any county or city which has also adopted ordinances regulating the division of land which lies within the area of review established by the City. As required in Section 354.9(1) of the Code of Iowa, the City will record the ordinance codified in this section in the office of the County Recorder and file it in the office of the County Auditor of each county wherein land reserved in this section for review of subdivision plats by the City is located.

*(Ordinance 03-208)*

**180.03 DEFINITIONS.** For the purpose of this chapter, certain terms and words are hereby defined.

1. **“Access Street”** means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

2. **“Alley”** means a right-of-way that provides vehicle access to abutting lots but is not intended for general traffic circulation.
3. **“Block”** means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, or by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
4. **“Building Line”** shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building line shall not be less than required by the Zoning Code. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
5. **“Commission”** means the Planning and Zoning Commission.
6. **“Collector streets”** means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
7. **“Cul-de-Sac”** means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
8. **“Easement”** means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
9. **“Engineer”** means a licensed engineer authorized to practice civil engineering, as defined by the licensing act of the State.
10. **“Flag Lot”** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
11. **“Half Street”** means a one-half width street right-of-way on the boundary of a subdivision dedicated by the sub-divider to the City; for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.

12. **“Homeowner’s Association”** means the association of all the unit owners acting pursuant to the bylaws through its duly-elected Board of Managers in accordance with applicable statutes.
13. **“Lot”** means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
14. **“Major Thoroughfare”** means a street used primarily for fast, large volume traffic.
15. **“Minor Street”** means a street used primarily for access to the abutting properties.
16. **“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 chapter, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.
17. **“Plat”** means a map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record.
18. **“Private Street”** means a street, which is constructed, maintained, and owned by a private organization such as a homeowners association.
19. **“Roadway”** means that portion of the street available for vehicular traffic, and where the curbs are laid, the portion from back to back of curbs.
20. **“Subdivision”** means the division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.
21. **“Surveyor”** means a licensed surveyor authorized to practice surveying, as defined by the licensing act of the State.

#### **180.04 PROCEDURE.**

1. Submission Phases. Subdivision planning, review and approval shall proceed through the following sequential phases:
  - a) Informal Discussion Phase, Pre-application Conference
  - b) Area General Plan Review and Approval Phase
  - c) Preliminary Plat Review and Approval Phase
  - d) Final Plat Review and Approval Phase
  - e) Recording Phase
2. Duties and Responsibilities:

The specific duties and responsibilities of the individual or groups listed below are clearly identified in these regulations.

- a) **Developer**: The Developer is responsible for initiating with the City before thoroughly preparing any subdivision drawings or Plats in order to become familiar with these regulations and the public policies and objectives applicable to the territory in which the proposed subdivision lies. The developer shall demonstrate how the proposed project is consistent with the land use plan, infrastructure system plans, park plans, and the general goals and policies of the comprehensive plan and any approved infrastructure system or area master plans.
  - b) **Engineer and Surveyor**: The Engineer and Surveyor acting on behalf of the Developer are responsible for preparing the necessary subdivision drawings, surveys and Plats and the engineering drawings and specifications as required by these regulations.
  - c) **Reviewing Authority**: The reviewing authority is the Zoning Administrator / City Administrator, Planning and Zoning Commission and the City Council, who are responsible for reviewing the subdivision plan or Plat, or portions thereof, and approving those that fully meet the provisions and requirements of these regulations. The City office shall maintain record copies of all documents related to or required by this Ordinance.
3. If the proposed subdivision lies within the Corporate limits of the City, the Developer must first satisfy the zoning requirements in "Zoning Ordinance, City of Bondurant," as adopted and as amended. If the proposed subdivision lies outside the City, but within the jurisdictional area of said City, then the Developer must first satisfy the zoning requirements in "Polk County Zoning Ordinances," as adopted and as amended.

4. **Informal Discussion Phase.** The purpose of the informal discussion phase, insofar as possible, is to guide and assist the Developer in his future decisions with a view to avoiding later difficulties and delays. This is the basic policy stage, during which the Developer meets with the Zoning Administrator / City Administrator and City Engineers for the City. In the course of the discussions the Developer should make known his tentative drawings for subdividing and development, and may exhibit sketches and drawings and shall be apprised by the Zoning Administrator / City Administrator and/or City Engineer concerning specific public policies and objectives which the City may have for the area in question. Discussion at this phase shall involve the entire area of ownership and anticipated development.

5. **Procedures for Review**

**Submission:** A pre-application conference may be requested by all Developers prior to initial Plat applications. Developers may contact the Zoning Administrator / City Administrator to arrange a pre-application conference. Developers may submit sketches or drawings at this stage with material sufficient to identify the tract and establish the relationship of the proposed development with surrounding area.

**Processing:** Upon a request for a pre-application conference, the Zoning Administrator / City Administrator shall schedule the pre-application conference. All materials will be considered as submitted for informal discussion. Discussions will involve the proposals in compliance with these regulations, determination of the scope of the proposed subdivision, an outline of the procedures for the recording of Plats and general information exchanged.

**Review:** Review of any material submitted by the Developer during the informal discussion phase shall be made by the Zoning Administrator / City Administrator and/or City Engineer. Any sketch or drawings submitted shall be studied with regard to the best principles of land subdividing and development; to lot sizes and proportions; to existing and planned land uses; to topography and drainage; to provisions for recreation areas, public open space, schools, parks and other public facilities; to design and location of streets; and to conformity with the continuity of existing street systems, walkways and related matters.

**Inspection:** The Zoning Administrator / City Administrator and/or City Engineer may make an inspection of the site to determine its relationship to and effect upon major thoroughfares, utility systems, and adjacent land uses (existing and planned) and ascertain the existence of any unusual problems and determine:

- a) The conformity of the proposed development to existing zoning regulations, official road maps, and municipal development plans and policies.
  - b) The effect of the proposed development upon schools, public open spaces, and other nearby community facilities.
  - c) The need for preparation and review of an Area General Plan prior to consideration of the Preliminary Plat.
6. An Area General Plan may be prepared and submitted by the Developer, for approval by the Reviewing Authority, prior to the submission of the initial Preliminary Plat. The Review Authority shall determine that either of the following conditions exists to warrant a requirement and submission of an Area General Plan
- a) The parcel initially proposed for platting constitutes a portion of a larger tract of land owned, or under option to purchase by the Developer.
  - b) The parcel initially proposed for platting constitutes a portion of a larger land area, the development of which will be complicated by unusual problems of drainage, street layout, utility services, land usage, or land ownership pattern.

The Area General Plan shall show property boundaries, land characteristics including wetlands, drainage patterns, flood prone areas as identified on Flood Prone Area Maps of the Federal Emergency Management Agency, wooded areas and major topographic features, existing streets, existing buildings, sewer lines, water lines and pipelines. Also to be shown in the Area General Plan are the proposed sanitary sewage collection, stormwater transportation and stormwater detention; proposed location of commercial areas, residential areas, and parks or other public areas. The Area General Plan shall be prepared to a proper scale of one (1) inch equals one hundred (100) feet (1 inch equals 100 feet) or larger, and to proper accuracy.

The Zoning Administrator / City Administrator and / or City Engineer shall review the Area General Plan for compliance with these regulations and its consistency with the City's Land Use Plan and applicable municipal development plans, or parts thereof. Upon review, the Area General Plan shall be presented to the Planning and Zoning Commission; Action from said Commission shall take the form of approval or denial within thirty (30) days following the review of the Zoning Administrator / City Administrator and / or City Engineer.

The Area General Plan may serve as the Developer's official Preliminary Plat, provided that the Area General Plan submitted as the official

Preliminary Plat by the Developer, conforms to the requirements as set forth in these regulations.

A portion of the Area General Plan may serve as the Developer's official Preliminary Plat, provided that this portion is clearly designated and provided that this portion of the Area General Plan submitted as the official Preliminary Plat conforms to the regulations for Preliminary Plats.

The approval of the Area General Plan by the City shall be in effect for a period of at least one (1) year from the approval date, but the approval is subject thereafter to withdrawal by the City upon notice to the Developer after that date.

The approval of the Area General Plan shall confer upon the Developer the right to proceed with the subdivision platting process set forth in this Ordinance for the lands depicted in the Area General Plan.

7. Developer shall submit to the Zoning Administrator / City Administrator:
  - a) Twelve (12) copies of the Area General Plan and supportive materials.
  - b) A reduction of the Area General Plan showing information required as submitted on an eleven (11) inch by seventeen (17) inch sheet.
  - c) The submittal or re-submittal of an Area General Plan for a subdivision within the corporate limits of the City or within the two (2) mile extra-territorial jurisdictional area of the City shall be accompanied by an Area General Plan application fee in the amount of fifty dollars (\$50.00), payable to the City.
  - d) A completed Area General Plan Application Form.
8. If all the above requirements have been satisfied, the Zoning Administrator / City Administrator will present the Area General Plan to the Planning and Zoning Commission at their next regular meeting. The Developer or a responsible representative shall attend this meeting. The Planning and Zoning Commission shall either:
  - a) Disapprove the Area General Plan; or
  - b) Approve the Area General Plan; or
  - c) Approve the Area General Plan, subject to minor modifications.

If the Planning and Zoning Commission disapproves the Area General Plan, the reasons for denial shall be clearly set forth and communicated to the Developer.

If the Planning and Zoning Commission approves the Area General Plan, it shall be so executed at that time. The original Area General Plan and two (2) copies must be executed.

If the Planning and Zoning Commission disapproves the Area General Plan, the Developer may appeal the Commission's decision to the City Council. A request for an appeal shall be made in writing to the Mayor, and shall be accompanied by the appeal fee of Twenty-Five Dollars (\$25.00), payable to the City. The City Council shall consider the appeal within a reasonable time following submittal of the application for appeal. The City Council may uphold or overrule the decision of the Planning and Zoning Commission or may return the Area General Plan application to the Planning and Zoning Commission for further consideration. The decision of the City Council shall set forth the reasons for its determination.

9. Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit fourteen (14) copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 180.06 thereof.
10. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. Submittals of the preliminary plat shall also be directed to all utility companies, the school district, the fire department, the Iowa Department of Transportation (if affected by subdivision) and other interested parties who would be impacted by the development. The City Engineer shall carefully examine said plat as to its compliance with this Code of Ordinances, the existing street system, and good engineering practices, and shall, within thirty (30) days, submit findings to the Commission.
11. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity thereof to those regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before approving a preliminary plan, the Commission may (at its discretion) hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within forty-five (45) days after the date of submission of said plat to the Commission. Upon receiving recommendations of the Commission, the

Council shall consider the same and if the plat is found to conform to the provisions of this chapter, the Council shall approve the preliminary plat.

12. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within one hundred eighty (180) days after date of said preliminary plat approval.
13. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined in Section 180.05(5) of this chapter.

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

1. **Streets.**

- A. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.
- B. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than sixty (60) feet in width of the right-of-way, and in similar alignment, unless variations are recommended by the Commission.
- C. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
- D. Street Intersections. Street intersections shall be as nearly at right angles as possible.
- E. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line radius of at least

fifty-two (52) feet in the case of residential subdivisions. The closed end of a commercial or industrial street shall be provided with a turnaround having a street property line radius of at least fifty-five (55) feet. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty (60) feet. The property line(s) at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than one hundred fifty (150) feet; or equal straight approach lines. The pavement width for turnarounds shall be a minimum radius of forty (40) feet for residential and 45 feet for commercial or industrial. A turnaround diameter greater than the minimum, may be required by the Commission, if it is deemed necessary.

- F. Street Names. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
- G. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
- H. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract of land to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- I. Alleys. Alleys shall be platted as public right-of-way and shall not exceed the maximum grades identified for local service street standards as defined in 180.05 1)Q. Alleys shall be allowed based on the following:
  - 1) In business areas and industrial districts, alleys may be required for adequate access to block interiors and for off-street loading and parking purposes.
  - 2) In residential districts, alleys shall meet the following standards as illustrated in Figure K:
    - a) Alleys shall be platted as right-of-way sixteen (16) feet in width. No privately owned alleys shall be allowed.
    - b) Alleys shall be constructed either entirely of concrete or with a twelve (12) foot asphalt drive lane with a two (2) foot concrete band on each side.

- c) Utilities shall be allowed to be installed in alleys.
- d) Garages accessing alleys shall be placed a minimum distance from the alley right-of-way based on its orientation. Garages with doors facing the alley shall be located a minimum of 22 feet from the alley so as to allow the parking of guest vehicles. Garages with door facing the rear yard shall be placed at least 4 feet from the alley right-of-way.
- e) Fences shall not be placed with 4 feet of the alley right-of-way to provide sufficient sight lines and snow storage.
- f) Garages shall be placed on lots to maximize visual sight lines into and out of alleys and at any intersections.
- g) Alley intersections shall be designed to accommodate service vehicle turning such as garbage collection and snow plowing.
- h) Alleys shall be designed so drainage flows either to the adjacent primary streets or to infiltration basins within the subdivision.
- i) No parking signs shall be installed at regular intervals throughout.
- j) Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

J. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easements shall be approved by the City Engineer. The total width of the easement shall be adequate to provide for these purposes, and said easement shall be a minimum of fifty (50) feet on each side of the centerline of the stream or water course.

K. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

- L. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.
- M. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, 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 trafficway.
  - (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 highway.
  - (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 shall prevent any private residential driveways from having direct access to the trafficway.
- N. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.
- O. Railroads. If a railroad is involved, the subdivision plan should:
- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
  - (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad, or form a buffer strip for park, commercial, or industrial use.
  - (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.
- P. Street Widths. Streets shall be classified as arterial, collector, or local according to the Comprehensive Plan. Street widths for arterials and collectors must conform to the Statewide Urban Design and Specifications (SUDAS) according to classification.
- Q. Street Grades. Street grades shall be conforming with the requirements set forth in the Statewide Urban Design and Specifications (SUDAS). The following table describes the maximum grades permitted as a percent.

MAXIMUM GRADES (percent)

<u>Terrain</u>	<u>Arterials</u>		<u>Collectors</u>		<u>Local</u>
	<u>Major</u>	<u>Minor</u>	<u>Major</u>	<u>Minor</u>	<u>Service</u>
Flat	5	5	5	6	6
Rolling	6	6	7	7	8
Hilly	6	7	8	8	9

The above maximum grades are based on terrain and the type of roadway. Where topography or circumstance demands that grades be steeper than the allowed maximum, a recommendation shall be obtained from the Jurisdictional Engineer.

- R. Private Streets. Private streets shall be permitted in the R-3 District for condominium developments, pertinent to the following requirements:
  - (1) Minimum width of twenty-six (26) feet from back of curb to back of curb must be used where access is provided to more than twenty-four (24) units.
  - (2) A private street which is closed at one end shall be no longer than six hundred (600) feet and shall be provided at the closed end with a cul-de-sac or hammerhead turnaround.
  
- 2. **Blocks.**
  - A. Length. No block shall be longer than one thousand three hundred and twenty (1,320) feet. The distance of 1,320 may be reduced by the City if it is considered to be excessive in its particular application.
  - B. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet, unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.
  
- 3. **Lots.**
  - A. Corner Lots - Widths. Corner lots shall have a minimum width of eighty (80) feet in order to permit adequate building setbacks on both front and side streets.
  - B. Double Frontage Lots - Prohibited. 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.

- C. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
- D. Lot Size – All lots shall conform to the lot dimensions and area minimum as set forth in the applicable Zoning section of this Ordinance. Where public sewer is not available and for the purpose of complying with minimum health standards, lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.
- E. Flat Lots – Flag lots shall not be created, except where approved by Site Plan. Existing Flag Lots shall be re-subdivided prior to issuance of a Building Permit.
- F. Street Access – Each lot shall have satisfactory access to an existing, paved public street, by means of frontage or easement.
- G. Lots in a subdivision over ten (10) lots shall not access directly onto an existing public street or road, but shall face onto and be accessed by a new street designed for that purpose, except that this subsection shall not apply to a subdivision adjoining a home built prior to March 01, 2006, which has direct access to an existing public road or street.

*(Ordinance 03-215)*

*(Ordinance 06-202)*

#### **4. Improvements.**

- A. General. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the “Iowa Statewide Urban Design and Specifications” on file in the office of the Clerk, under the supervision of the Council and to its satisfaction. Inspection shall be provided by the City, at the subdivider’s expense, as deemed necessary to assure quality workmanship on all portions of the construction to be dedicated to the City. Said inspection costs shall be paid by the subdivider before final approval will be given.

*(Ordinance 07-206)*

- 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 Council after receiving the report and recommendations of the City Engineer.
- C. Paving. All paving of roadways constructed for public use will be installed in accordance with the “Urban Design Standards for Public Improvements” and the “Urban Standard Specifications for Public

Improvements” and at grades approved by the City Engineer. Pavement type may be based on characteristics of the roadway.

- D. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four (4) feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades approved by the City Engineer.

***(Ordinance 07-206)***

- E. Water and Sewers. Water mains, sanitary sewer lines and storm sewers and their appurtenances shall be constructed and installed in accordance with the “Urban Design Standards for Public Improvements” and the “Urban Standard Specifications for Public Improvements” and the plans and specifications adopted by the Council. Water and sewer lines shall be made accessible to each lot. At a minimum, water mains shall be eight (8) inches in size, hydrants shall not be farther apart than 350 feet, and storm sewers shall be designed for 5-year storms.
- F. Underground Utilities. Improvements such as cable TV, telephone and electric lines, street lights, gas mains, and similar facilities in any subdivision shall be installed where necessary in any subdivision addition to the City and all utility lines except electric lines of nominal voltage in excess of 15,000 volts, shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in accordance with the “Urban Design Standards for Public Improvements” and the “Urban Standard Specifications for Public Improvements” and in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of the City Engineer.
- G. Soil Erosion and Sedimentation Control. A subdivider shall grade any portion of the area to be subdivided only in conformity with an approved grading plan, including an approved erosion and sedimentation plan, in accordance with the Urban Design Standards for Public Improvements, for the entire area. The subdivider shall provide assurances, satisfactory to the City Engineer, that the grading

improvements have been completed in accordance with the approved grading plan. No building or structure shall be constructed that is not in general conformance with the approved grading plan or with an amended plan that has been approved by the City. The subdivider shall provide the City with a copy of the NPDES Discharge Permit Authorization from the Iowa Department of Natural Resources for coverage of the subdivision. A copy of the notification of the IDNR shall also be submitted as development continues into the next addition of the subdivision.

- H. Street Lighting. Street lights shall be installed by the subdivider at the subdivider's expense in accordance with the Urban Design Standards for Public Improvements and after review and approval of the City.
- I. Homeowners Association. A Homeowners Association shall be created for any development with privately owned streets, utilities, open space, or other private service which is utilized by more than one homeowner. Any changes in the responsibilities of the Homeowners Association shall require approval of City Council.
- J. Construction Plans. Detailed construction plans showing the grading plan and all required public and private improvements including streets, stormwater detention facilities, storm sewers, water main, sanitary sewer, and other applicable improvements. The construction plans must show all areas designated as overland flow swales or drainage courses. The construction plan shall include spot design elevations along the flow line of all drainage swales at each property line and mid-lot location exceed 50 feet. The City may require spot elevations to be added at additional locations deems critical to the proper performance of drainage path. Construction of improvements within a subdivision shall not commence prior to the approval of the construction plans unless the City authorizes the start of construction prior to the approval of the construction plans.

*(Ordinance No. 18-217)*

5. **Approval of Final Plat and Final Acceptance of Improvements.**

- A. Construction of Improvement or Posting of Bond. 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 City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; and the City Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all

construction being dedicated to the City. Maintenance bonds shall be in the name of contractors who have done the work. Maintenance bonds shall be in effect from passage of resolution of acceptance by the Council, then for the following number of years:

- (1) Concrete paving..... 4 years
- (2) Storm sewers and appurtenances ..... 4 years
- (3) Sanitary sewers and appurtenances ..... 4 years
- (4) Water mains and appurtenances ..... 4 years

This requirement for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check, in an amount determined by the City Engineer, with the Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

- B. Re-subdivisions. The Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of re-subdivisions where only the size, shape and arrangement of lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.
- C. As-builts. The Permittee shall submit three copies of the record drawings prepared by the Permittee’s engineer in accordance with the Code of Iowa and one digital copy of said drawings in Arc View, Microstation, Autocad or other approved format. Such drawings shall show the “as-built” grading and shall include spot elevations at all locations shown in the approved construction plans required under 180.05 4. J. along with a note and signature on the as-built drawings stating the drainage ditches and/or swales were constructed to the designed depth and width and that said ditches and/or swales are located within the overland flowage easements shown on the Final Plat. Such drawings shall be public record and shall be made available for public review and use of the information shown. Provided, however, the City does not warrant or

guarantee the accuracy of such drawings and nothing in this section is intended nor shall it be construed or interpreted to create any such warranty.

*(Ordinance No. 18-217)*

**180.06 PUBLIC PARKLAND DEDICATION.** The dedication of public park land is being required to insure that land is properly located and preserved for park and recreational purposes to serve future community growth.

1. **Requirement.** The development of any property for residential purposes shall be required to dedicate public parkland. No new plats or site plans for residential development shall be approved unless the provisions of this section are complied with.
  
2. **Definitions.** As used in section 180.06, the following terms have the following definitions:
  - A. **“Developer”** means any person, individual, firm, partnership, association, corporation, estate, trust, or other entity proposing to subdivide or build on land to construct residential dwellings.
  - B. **“Minor Subdivision”** means a subdivision with no proposed streets and fewer than four lots.
  - C. **“Multi-Family”** means a dwelling designed for or occupied by three (3) or more families with separate cooking facilities for each. Multi-family for the purposes of park dedication regulations excludes triplexes and townhomes.
  - D. **“Park”** means an area of land set aside for public use and maintained for recreational purposes.
  
3. **Exemptions.** The following shall be exempted from the public parkland dedication requirements as long as a claim for exemption is made no later than the time of preliminary plat or site plan application.
  - A. Developments that do not include residential units.
  - B. Minor subdivisions.
  - C. Alterations or expansions of an existing building where no residential units are created and where the use is not changed. This includes the replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
  - D. The construction of accessory buildings or structures.
  - E. Developments with existing plats, site plans, or building permits that have received approval prior to the enactment of Section 180.06.

- F. Any non-residential uses that are part of a plat or site plan with mixed uses.
4. **Change of Use.** In the case of a change of use, redevelopment, or expansion which requires the approval of an amended plat or site plan, the park dedication requirements shall be based on the new lots or new units being proposed.
5. **Amount to be Dedicated.** This subsection shall prescribe the minimum amount of space to be provided for public park purposes in each proposed development. The amount of parkland dedication is identified by multiplying the amount of park dedication per resident by the development population.
- A. **Park Dedication Per Resident.** The City seeks to provide 5 acres of public parkland per 1,000 residents. This is equivalent to 0.005 acres of parkland per resident.
- B. **Development Population.** The City has determined that the average number of people per dwelling unit varies based on the dwelling unit type. Thus, in order to calculate how many people will be residing in a proposed development the developer must multiply the number of planned dwelling units of each type by the average number of people per unit as identified in the following table:

Dwelling Unit Type	Population/Unit
Single-Family Detached, Single Family Attached, Duplex, Triplex, Townhome or Mobile Home	3.0
Multi-Family	2.0

- C. **Calculation.** To determine the required parkland for each development, the developer shall take the park dedication per resident identified in A above and multiply it by the proposed development population calculated in B above. For illustration purposes only:

0.005 acres/individual X 225 people (75 lots x 3.0 people/unit) = 1.125 acres.

6. **Acceptable Land Defined.** When a developer is dedicating parkland, the slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose. While wetlands, floodplains, floodways, stormwater detention areas/ponds, and steep slopes may be accepted for City ownership and maintenance, such areas shall not serve as a credit toward parkland dedication. At a minimum, 75% of the area to be dedicated shall be capable of development as active recreation area as determined by it being sufficiently level and uninterrupted by public or private utilities, streams, and drainage ditches.
  
7. **Payment in Lieu of Parkland.** In lieu of dedicating parkland, the developer may request the ability to make a cash payment. The City Council shall evaluate this request giving due consideration to all of the factors listed in Section 8A. The donation shall be no less than the minimum number of acres required. A mutually appointed Appraiser will determine parkland Fair Market Value. The Developer shall pay any expenses accrued in the determination of the payment amount.

## **8. General Regulations**

- A. The determination of what land shall be dedicated shall be based on the following:
  - i. The Bondurant Comprehensive Plan and Bondurant Park, Trail and Greenway Master Plan.
  - ii. Area master plans.
  - iii. The topography and geology of the land within the subdivision.
  - iv. The location of existing and proposed parks, trails and greenways.
  - v. The size and shape of the property and the land available for dedication.
  - vi. The presence of undeveloped lands adjacent to the development boundary where a dedication may be favorable so as to allow the public parkland to be increased in size when the adjacent property develops.
  
- B. At the time of filing a preliminary plat or site plan, the developer of the property shall, as part of that filing, indicate whether he or she desires to dedicate parkland or pay a fee in lieu thereof. If the developer desires to dedicate parkland, said person shall designate the area on the preliminary plat or site plan. The proposed parkland dedication will be reviewed as part of the preliminary plat or site plan review process. Dedication of

land or payment of a fee in lieu shall be completed prior to development recording or issuance of building permits.

- C. The developer shall designate on the plat map or site plan the proposed number of dwelling units by type. Designation shall be for park dedication calculation purposes only and such designation shall not constitute approval of the design or location of units. If a number is not designated on the plat or site plan, the total number of dwelling units shall be the maximum number of such units permitted by the existing zoning district. If the developer wishes to change the density, a new plat map or site plan shall be submitted detailing the changes. If the density is increased, the additional dedication amount shall be calculated and will be due before changes can be approved. Should the density be lowered, arrangements will be made to return dedicated property, at the developer's expense, provided that it has not yet been developed as park space.
- D. Land conveyed to the City for park purposes shall be conveyed by warranty deed, free and clear of any and all liens and encumbrances, including judgments, attachments, mechanics, and other liens.
- E. The developer shall be required to prepare the parkland prior to dedication in a manner acceptable to the City. This includes:
  - i. The site shall be located adjacent to an improved street with sidewalks and utilities as required by the City. The site shall have access to such a fully improved street across at least ten (10) percent of the distance of its perimeter. Any access route shall be at least thirty (30) feet wide for trails and fifty (50) feet for roadway access.
  - ii. On-site drainage patterns shall be designed and constructed by the developer with the approval of the City.
  - iii. Grading shall comply with approved plans.
  - iv. Top soil shall be spread evenly and lightly compacted to an adequate depth for turf growth.
  - v. Seeding shall occur during the fall or spring in accordance with standard specifications of the City. A maintainable stand of grass shall be established prior to acceptancy by the City.

**180.07 PRELIMINARY PLAT REQUIREMENTS.** (See example of preliminary plat in the Appendix.) The preliminary plat of a subdivision is not intended to constitute approval of the preliminary plat serve as a record plan. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from

the standpoint of the public interest. The subdivider, or any representative of the subdivider may call at the City offices in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. **Number of Copies and Scale.** Fourteen (14) copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.
2. **Contents of Preliminary Plat.**
  - A. Name of subdivision
  - B. Date
  - C. Point of compass
  - D. Scale
  - E. Legal description of the property being platted
  - F. Name and address of recorded owner and of developer
  - G. Name and address of Engineer and/or Land Surveyor
  - H. Existing buildings, railroads, underground utilities, and other right-of-way
  - I. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided
  - J. Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
  - K. Building setback lines
  - L. Areas dedicated for public use, such as schools, parks and playgrounds
  - M. Contour lines at intervals of not more than two (2) feet
  - N. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots
  - O. Boundaries of the proposed subdivision shall be indicated by a heavy line
  - P. Zoning classification of the area
  - Q. Proposed utility service:
    - (1) Source of water supply
    - (2) Provision for sewage disposal

(3) Provision for storm water drainage, including calculations of storm water runoff from the site

- R. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings
  - S. Lot numbers
  - T. Proposed street widths
  - U. Stormwater Drainage Plan. Detailed report setting forth the design parameters for any water detention facility required to reduce the release rate to a five (5) year release rate. The report must include the initial analysis of the storm sewer system and overland flow has to ensure the stormwater drainage plan is adequate to accommodate the runoff from a 5-year storm in storm sewers with overland flow paths to accommodate the runoff from a 100-year storm without adverse ponding.

*(Ordinance No. 18-217)*
  - V. Location, character, and dimension of all existing and proposed easements to be used for utility purposes
  - W. Name, certification and seal of registered land surveyor who prepared the plat
  - X. Provide bench mark information indicating city datum is being used
  - Y. Show all existing site features and proposed water courses
  - Z. Zoning Change Agreement. Where a zoning change is requested in conjunction with or prior to the subdivision process, the city may require the subdivider to provide a Zoning Change Agreement which relegates authority to the City to revert the property back to the original zoning classification if the schedule or requirements set forth by the City are not fully in compliance by a date mutually agreed to by the subdivider and City.
  - AA. Narrative demonstrating how the proposed project is consistent with the land use plan, infrastructure system plans, park plans, and the general goals and policies of the comprehensive plan and any approved infrastructure system or area master plans.
3. **Accompanying Material.** An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer. Where applicable, provisions for a Homeowners Association consisting of

the owners of at least 50 lots within the subdivision which, pursuant to covenant satisfactory to the City, will be bound to provide for the maintenance of the proposed structures and uses.

**180.08 FINAL PLAT REQUIREMENTS.** (See example of final plat in Appendix.)

1. **Number of Copies and Scale.** When and if the preliminary plat is approved, the subdivider shall submit fourteen (14) copies of the final plat for review by the Commission. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.
2. **Contents of Final Plat.**
  - A. Name of subdivision
  - B. Scale
  - C. Compass point
  - D. Curve data including delta angle, length of arc, degree of curve, tangent
  - E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles; and a table showing mathematical closure of the subdivision boundaries, and also coordinate points of all interior lot corners with reference to one corner of the subdivision if the subdivision contains curve linear lot lines
  - F. Exact name, location, width, lot designation, and centerline of all streets within the subdivision
  - G. Easements for public utilities showing width and use intended
  - H. Building setback lines with dimensions
  - I. Official legal description of the property being subdivided.
  - J. Lot numbers and addresses
  - K. Certification of Registered Engineer and/or Land Surveyor
  - L. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners
  - M. Area for onsite detention for five (5) year release on 100 year storm frequency. (*Ordinance 02-212*)
  - N. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's office
3. **Accompanying Material.**

- A. Plans and Profiles. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of East and West streets shall be drawn so that the West end of the profile shall be at the left side of the drawing. Profiles of North and South streets shall be drawn so that the South end of the profile shall be at the left side of the drawing.
- B. Erosion and sediment control plan
- D. Opinion of estimated costs of construction of public improvements
- E. A subsidiary drainage plat
- F. Deeds to the City. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use *shall be submitted with the final plat.*
- G. Certificates to accompany the Final Plat:
  - (1) A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds;
  - (2) A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa.
  - (3) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
  - (4) From the Clerk of the District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in said office.
  - (5) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
  - (6) Performance bond, if any

**180.09 SUBDIVISION PLAT FEES.**

1. **Preliminary Plat Fees.** Preliminary plat fees — minor plats (no proposed streets and less than four lots) will be \$75.00 plus \$10.00 per lot; major plats (new streets proposed or four or more lots) will be \$150.00 plus \$10.00 per lot.
2. **Final Plat Fees.** Final plat fees — minor plats (no proposed streets and less than four lots) will be \$75.00; major plats (new streets proposed or four or more lots) will be \$150.00.
3. **Inspection Fee.** — \$40.00 per hour to be paid by the developer to the City.
4. **Plat of Survey Fees.** Each plat of survey submitted for approval shall be accompanied by a fee of seventy-five dollars (\$75.00)

*(Ordinance 03-212)*

5. **Other Fees.** In the event that the above cited fees are insufficient to reimburse the City of engineering charges incurred by the City in the examination and review of the preliminary and final plats, the developer shall be responsible for any additional fees incurred by the City for such engineering charges.

*(Ordinance 03-212)*

#### **180.10 ENFORCEMENT.**

1. No plat or subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein, and accepted by the Council as a public street.

**180.11 CHANGES AND AMENDMENTS.** Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

**180.12 RECORD DRAWINGS.** Before final plat acceptance, the City shall be provided, at no charge, with Mylar record drawings showing as-built locations of all service and utility locations including flow and rim elevations.

**180.13 PLAT OF UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS.** With regard to subdivisions and plats of survey located in the unincorporated areas of the County within two (2) miles of the corporate limits, the provisions of this Chapter shall apply. The authority of the City to apply this Chapter to these subdivisions and plats of survey is given pursuant to Sections 354.8 and 354.9 of the Code of Iowa. All references in this Chapter to “plats” shall include both subdivision plats and plats of survey.

*(Ordinance 03-212)*

**180.14 EFFECTIVE PERIOD OF PRELIMINARY PLAT.** Effective Period of Preliminary Plat: Approval of a preliminary plat is effective for a period of two years following the date of approval by the City Council. In the event the final plat is not filed within the two-year effective period of the preliminary plat, the preliminary plat is null and void. If the public improvements within a preliminary plat have been initiated within two years after the approval, the effective date of the preliminary plat will be three years.

In the event a preliminary plat is developed in phases involving more than one final plat, the requirements of this section as it relates to the duration of the effective period shall be applicable for each portion of the preliminary plat. If a final plat on a phased preliminary plat is not filed within the times set forth herein, the balance of all remaining portions of the preliminary plat shall be null and void.

If the public improvements within a preliminary plat area are not initiated within two years after the approval of the preliminary plat or two years from the approval of the last final plat in a phased preliminary plat, no extension of the effective period of the preliminary plat shall be granted and all subsequent development of the property must be in accordance with a new preliminary plat. In the event the public improvements are initiated within two years of the approval of the preliminary plat, but the final plat is not filed within three years as set forth in this section the City Council may grant up to a one-year extension of the effective period of the preliminary plat.

Any preliminary plat approved within two years before the effective date of this section shall be subject to the provisions of this section unless the City has approved construction plans for public improvements and construction of the public improvements shall have commenced prior to two years after the approval of the preliminary plat.

The City Council shall take no action to approve a final plat if the preliminary plat for that final plat area has become null and void as set forth in this section.

*(Ordinance No. 13-212)*