

CHAPTER 165

SUBDIVISION REGULATIONS

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165.01 PURPOSE. The purpose of this chapter is to provide for the harmonious development of the City; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the City for adequate open spaces; for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

165.02 DEFINITIONS. For use in this chapter, the following terms or works are defined.

1. “Building lines” means a line on a plat between which line and a street no building or structure may be erected.
2. “Commission” means the City’s Planning and Zoning Commission.
3. “Cul-de-sac” means a minor street with only one outlet and terminated by a turnaround.
4. “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 certain persons.
5. “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.
6. “Major thoroughfare” means a street designated as a major thoroughfare in the major thoroughfare plan for the City.
7. “Minor street” means a street not designated as a major thoroughfare in the major thoroughfare plan for the City.

8. "Performance bond" means a surety bond, irrevocable letter of credit, 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 estimated by the City Engineer, and said surety bond, irrevocable letter of credit, or cash deposit being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.
9. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
10. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
11. "Subdivider" means the person, acting alone or in combination with others, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.
12. "Subdivision" means: (i) the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into more than two parcels, sites, or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that where one lot is divided into two sites or parcels, each shall contain sufficient lot area to comply with the requirements of Section 165.21, and provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites shall be exempted; or (ii) the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

165.03 VARIANCES AND MODIFICATIONS. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other such non-self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of this chapter, the Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter or interfering with carrying out the comprehensive plan of the City. In no case shall any variance or modification be more than minimum easing of the requirements and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown of the comprehensive plan of the City or be in conflict with any Zoning Ordinance or map. Such variances and waivers may be granted only by the affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Commission. In granting variances and modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

165.37 EROSION CONTROL AND DRAINAGE MEASURES. Developers of any subdivision shall install or cause to be installed acceptable erosion control and drainage measures such as diversion channels, swales, retention basins, erosion control synthetic fabric, silt fencing, ditch checks stone/rock rip-rap in all locations where there is a potential for soil erosion and water movement both during and after earthwork and grading operations. Permanent erosion control and drainage measures may be required, as determined by the City Engineer, which shall be incorporated into the development scheme of the subdivision and approved by the Commission and Council.

1. Upon the requirement of permanent erosion control or drainage measures as determined by the City Engineer and incorporated into the development scheme of a subdivision pursuant to this section, each individual titleholder to a piece of real estate located within that subdivision upon which such a measure is located shall be responsible for its maintenance and preservation. Any altering of the flow of runoff or failure to maintain the drainage system will subject the titleholder of the real estate to fines and costs to restore the measure to its intended status, as well as any and all other remedies available to the City under Iowa law. These remedies may include but are not limited to restoration of the drainage measure, construction of a new drainage measure or system as approved by the City Engineer, maintenance of the existing measure or system, or any combination of remedies in order to ensure that the original flow specified in the subdivision scheme is compatible with that scheme in the sole discretion of an appointed City Engineer.

2. Within fourteen (14) days of written notice of the infraction, the titleholder to a piece of real estate upon which such measure was originally located in the subdivision scheme and is no longer properly maintained or preserved the land owner must file with the City Clerk a plan to restore the drainage characteristics as originally set forth in the subdivision development scheme or an alternative plan certified by a professional engineer licensed in the State of Iowa along with a time table as to when the work will be done. The City Engineer upon review of such plan and time table may in his or her sole discretion approve or disapprove such plan and timetable or amend them as he or she believes best suits the situation. The City Engineer will inspect the drainage measures at time of any new construction on affected real estate and will be responsible for giving notice to titleholders should any violations of the drainage measures take place.

3. When emergency measures are necessary to moderate a nuisance, to protect public safety, health, and welfare, and/or to prevent loss of life, injury, or damage to property, the City is authorized to carry out or arrange for all such emergency measures. Titleholders of real estate property in which such measures are necessary upon their land shall be responsible for the cost of such measures and shall promptly reimburse the City for all such costs.

165.38 INFRASTRUCTURE DESIGN CRITERIA. The City's Infrastructure Design Criteria is periodically updated by the City Engineer and shall be made available to developers upon request prior to planning a subdivision.

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

165.05 PENALTIES. Whoever, being the owner or agent of the owner of any land located within or within two (2) miles of 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 Council, shall forfeit and pay a penalty, as set by resolution of the Council, 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.

165.06 PLAT REQUIRED. It is unlawful for the owner, agent or persons having control of any land within the corporate limits of the City or (pursuant to Section 354.9 of the *Code of Iowa*) within two (2) miles thereof, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State and the provisions of this chapter.

165.07 PROCEDURE. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat, a performance bond as may be required, and a final plat in accordance with this chapter.

1. The subdivider shall first present the proposed subdivision at a meeting consisting of City staff, two Planning and Zoning Commission members, and one City Council member.
2. The subdivider shall prepare and file with the City Engineer ten (10) copies of a preliminary plat and ten (10) copies of restrictive covenants conforming to the requirements set forth in this chapter. Twelve (12) copies of the preliminary plat and restrictive covenants shall be submitted for a subdivision outside the corporate limits of the City. Said plat shall be accompanied by a fee, as set by Council resolution, for each lot in the subdivision, providing said subdivision does not consist of less than ten (10) lots, in which case a minimum filing fee, as set by Council resolution, is required.
3. The City Engineer shall forthwith refer two (2) copies of the preliminary plat to the Commission. In the case of subdivisions outside the corporate limits of the City, the City Engineer shall refer two (2) copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.
4. A hearing on the proposal will be held before the Commission at a regular or special meeting following the filing. No hearing shall be held by the Commission until notice thereof, which shall include the time and place, shall be given in behalf of the Commission by mailing a notice to the person who filed the preliminary plat to the address set forth in the filing papers and to such other interested parties as may be determined by the City Engineer and City Clerk.
5. The City Engineer shall carefully examine said preliminary plat as to its compliance with the laws and regulations of the City, the existing street system, and

good engineering practices and shall, within fifteen (15) days, submit findings in duplicate to the Commission, together with one copy of the plat received.

6. The Commission, upon receiving the City Engineer's report, shall, within a reasonable time, consider said report and pass upon the preliminary plat. It shall then set forth its recommendations in writing, whether of approval, modification, or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The Commission shall forthwith return one copy of the approved preliminary plat to the subdivider.

7. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawing and specifications for the improvements required under this chapter.

8. The approval of the preliminary plat by the Commission is revocable and does not constitute final approval or acceptance of the subdivision by the Council or authorization to proceed with construction of improvements within the subdivision, but shall constitute approval of layout and general engineering proposals and plans.

9. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information required by this chapter and necessary for the detailed engineering consideration for the improvements required and obtain the approval of the City Engineer, which shall be endorsed thereon.

10. For final plat approval, the subdivider shall submit to the Commission:

- A. Twelve (12) paper copies and one digital copy of the final plat and 12 copies of restrictive covenants.
- B. A performance bond as required and approved by the City Engineer.
- C. Six (6) paper copies and one digital copy of the certified approved plans, profiles, cross sections and specifications.
- D. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.

11. When the final plat has been passed upon by the Commission, twelve (12) copies of the final plat, and the performance bond, shall forthwith be transmitted to the Council, together with a certificate showing the action of the Commission.

12. When the final plat has been approved by the Council, the performance bond accepted and all twelve (12) copies duly certified, one copy shall be delivered to the City Engineer, one copy to the Clerk and one copy to the Code Enforcement Office for their respective files, and four copies to the subdivider for filing with the County Recorder. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.

13. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be recorded in the office of the County Recorder and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect. Approval by the Council of the final plat or of a final development plan subject to the provisions of this chapter governing the subdivision of land shall be null and void if the plat or final development plan is not recorded within one hundred eighty (180) days after the date of such approval, unless

application for an extension of time is made to the Council, in writing, during said 180-day period and said application is approved.

14. The final plat shall also be accompanied by the following at the time it is presented for filing:

A. 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;

B. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

C. 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*.

D. 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*.

E. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

F. A certificate from the County Auditor approving the name of the subdivision.

15. Upon receipt of the duly certified copies of the final plat by the Commission, the Secretary of the Commission will transmit copies of the plat, upon which have been placed the official house numbers as determined by the City Engineer, to the subdivider, the Iowa Public Service Company, or its successor, and the telephone company.

16. Receipt of the duly certified final plat by the subdivider is authorization that such subdivider may proceed with the installation and construction of the required improvements. The required improvements are to be completed within two (2) years.

17. The Council will return the performance bond to the subdivider upon certification by the City Engineer of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the Council. Prior to certification by the City Engineer, the subdivider shall file with the City Engineer, within 180 days after completion of improvements, plans, profiles, and cross sections of the required improvements as they have been built, on reproducible mylar and a CAD and ASCII file in NAD83 format (both grid and ground coordinates).

165.08 CONTENTS OF PRELIMINARY PLAT. The preliminary plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet (1" = 100') or less and shall be plainly marked "Preliminary Plat." The plat shall show:

1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.
2. Name and address of the owner and the name, address and profession of the person preparing the plat.
3. The date, scale and northpoint and a key map showing the general location of the proposed subdivision in relation to surrounding development.
4. The legal description of the area being platted.
5. The boundary line (accurate in scale), the dimensions and location of the property to be platted and the location of section lines. Contour lines with intervals of not more than five (5) feet.
6. The names and location of adjacent subdivisions and the names of record owners and locations of adjoining parcels of unplatted land.
7. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.
8. The zoning classification and proposed use for the area being platted.
9. The layout, numbers, approximate dimensions and square footage of proposed lots.
10. The layout of all existing and proposed building lines and easements.
11. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use.
12. Proposed names for all streets in the area being platted.
13. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, water pavement, sidewalks and drainage structures.
14. Written and signed statement from subdivider that the necessary arrangements have been made with the respective utility companies for natural gas, electricity, cable TV and telephone.
15. Any restrictions proposed to be included in the owner's declaration of plat. (See also Section 151.15)
16. Proposed restrictive covenants for the subdivision.

165.09 CONTENTS OF FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet (1" = 100') or less as approved by the City Engineer and in ink on reproducible mylar. The plat shall show:

1. The title under which the subdivision is to be recorded.
2. The name or names of the owners and subdividers.
3. The date, scale and northpoint, and a key map showing the general location of the proposed subdivision.

4. The legal description of the area being platted.
5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional township lines.
6. Centerlines of all proposed and adjoining streets with their right-of-way widths and names.
7. Lines of all lots, square footage of all lots, and a simple method of numbering to identify all lots and blocks.
8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements.
9. All dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot.
10. All radii, arcs, points of tangency, central angles and lengths of curves.
11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made.
12. All survey monuments and benchmarks, together with their description.
13. Private restrictive covenants and their period of existence. (See also Section 151.15)
14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

165.10 IMPROVEMENT PLANS, PROFILES, CROSS SECTIONS. The subdivider shall submit to the City Engineer the following plans, profiles and cross sections, drawn to a horizontal scale of one inch to one hundred feet (1" = 100') or less and a vertical scale of one inch to twenty feet (1" = 20') or less, and specifications for the construction of the improvements for the subdivision as required in this regulation; all elevations shall be referred to mean sea level:

1. The plan and profiles of each street with tentative grades and street intersection elevation:
2. The cross sections of proposed streets showing the width of roadways, present and proposed grade lines and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than one hundred (100) feet along the centerline unless otherwise required by the City Engineer, and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way. A Grading Plan may be acceptable instead of cross sections as determined by the City Engineer.
3. The plan and profile of proposed sanitary sewers and storm water sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

4. Standard specifications for the required improvements approved by the City Engineer may be used.
5. The grading plan for the area being developed showing all drainage features including storm water detention facilities, rain gardens, etc.

165.11 STREET EASEMENTS WHEN LOTS LARGER THAN USUAL. Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening of major thoroughfares and the ultimate extension of adjacent minor streets. Easements providing for the future opening and extension of such streets or thoroughfares may, at the discretion of the Council, be made a requirement of the plat.

165.12 RELATIONSHIP TO EXISTING STREETS. New subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for the public requirements.

165.13 LOCATION, WIDTH OF STREETS AND ALLEYS.

1. The widths and locations of major thoroughfares shall conform to the widths and locations designated on the major thoroughfare plan of the City. The minimum width for major thoroughfares shall be eighty (80) feet.
2. The minimum width of a minor street shall be sixty (60) feet. Where streets adjoin unsubdivided property a half street at least thirty (30) feet in width shall be dedicated and whenever subdivided property adjoins a half street the remainder of the street shall be dedicated. No homes shall be constructed on half streets.
3. Alleys need not be provided in a residential block. Alleys are required in the rear of all business lots and shall be at least twenty (20) feet wide.
4. All street widths in Industrial areas shall be a minimum of eighty (80) feet.

165.14 WIDTH OF ROADWAYS. The minimum roadway widths for streets shall be thirty-one (31) feet, except that streets serving lots of one acre or larger may, with approval of the Council, be constructed with a minimum roadway width of twenty-five (25) feet. The minimum roadway widths for alleys shall be twenty (20) feet.

165.15 CUL-DE-SAC AND DEAD-END STREETS. Except in cases where unusual topographic conditions may make it advisable to modify these provisions, the following shall apply to cul-de-sacs and dead-end streets:

1. Maximum length of five hundred (500) feet.
2. Vehicular turnaround at the closed end of a street having a minimum radius of sixty (60) feet and a roadway having a minimum radius of fifty (50) feet to the exterior curbline.
3. In the case of temporarily dead-end streets, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the Commission may require a temporary easement for a turnaround of the nature indicated above, or an appropriate area for a back-around, or a roadway at least twenty-seven (27) feet in

width of not excessive length to connect the temporary dead-end with an existing street.

165.16 STREET GRADES.

1. Streets shall be so arranged that grades shall not exceed six percent (6%) for major thoroughfares and eight percent (8%) for minor streets. The Commission may permit variation from these grades where it deems modification advisable to adjust to topographic situations.
2. Gutter grades on paved gutters shall not be less than one-half percent (0.5%).
3. All changes in street grades shall be connected by a vertical curve of reasonable length to assure adequate visibility.
4. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding four percent (4%) and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible, permitting proper drainage.
5. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council and after receiving the report and recommendations of the City Engineer.

165.17 INTERSECTIONS.

1. Street intersections shall be rounded by radii of at least twenty-five (25) feet for residential areas and thirty-five (35) feet for major thoroughfares and Industrial areas.
2. Streets should be laid out to intersect at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than sixty (60) degrees.
3. The design of the intersection should be such that a clear sight distance will be maintained for one hundred (100) feet at the roadway centerline, with no obstruction to sight within the triangle formed by these points.

165.18 STREET NAMES AND HOUSE NUMBERS. Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The City Engineer shall determine street names and house numbers.

165.19 BLOCKS. No block shall be longer than 1,320 feet between street lines. An easement near the center of the block not less than ten (10) feet wide for a crosswalk may be required on blocks that are over 750 feet in length. The width of blocks, except for special reasons, shall not be less than two hundred (200) feet and not more than 350 feet.

165.20 LOTS.

1. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

2. The width and area of all lots shall conform to the requirements of the zoning district in which located. However, no residential lot shall be less than sixty (60) feet in width at the building line, or less than one hundred (100) feet in depth, or less than 7,500 square feet in area.
3. The foregoing requirements apply only to residential lots served by public sanitary sewer. In the case of lots not so served, such lots shall be of sufficient additional area to accommodate properly a suitable private sewage disposal device. The Commission will determine the required lot size upon report of appropriate tests and adequate determination and recommendation of the City health officer or State Board of Health.
4. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.
5. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines except where a variation of this rule will provide a better street and lot layout.
6. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.

165.21 BUILDING LINES.

1. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Commission may require building lines in accordance with the needs of each subdivision. The minimum building line permitted for residential lots, except for lots meeting the requirements of subsection 2, shall be twenty-five (25) feet. Provisions shall be made by the owner's declaration of plat, requiring all enclosed parts of buildings to be set back to such building lines.
2. Special building line/front yard setback requirements for lots in the R-1, R-1A and R-2 zoning districts and having frontage on a cul-de-sac shall be as follows:
 - A. Minimum of twenty (20) feet for any such lot having its entire frontage on a cul-de-sac.
 - B. For lots having a portion of their frontage on a cul-de-sac, the minimum front yard setback shall be twenty (20) feet measured along the cul-de-sac frontage, and the minimum front yard setback shall be twenty-five (25) feet measured along the portion of the frontage that is not on a cul-de-sac.
 - C. The special twenty-foot minimum front yard setback requirement for portions of lots having frontage on a cul-de-sac shall not apply to any portion of a lot which is also subject to the 25-foot minimum front yard setback or which is subject to other provisions of the Zoning Ordinance whereby a greater setback is required.

These special building line/front yard setback requirements shall apply to subdivisions platted after October 1, 1993, and shall not apply to subdivisions platted on or before such date.

165.22 CHARACTER OF DEVELOPMENT. The Commission and Council may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision, as well as that of the surrounding development.

165.23 UTILITY EASEMENTS REQUIRED. Where alleys are not provided in the plat, easements of not less than ten (10) feet in width shall be granted to the City by the owner on each side of all rear and where necessary side lot lines for public utility easements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. No buildings or structures will be permitted on easements without authorization of Council.

165.24 DRAINAGE; EASEMENTS ALONG STREAMS AND WATERCOURSES REQUIRED. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City an easement along said streams and watercourses meeting the approval of the Commission. Drainage provisions may include detention, retention, infiltration, rain gardens, etc. Drainage easements shall be a minimum of twenty (20) feet but may be fifty (50) feet for drainage areas of 100 acres or more and may be eighty (80) feet for drainage areas of 250 acres or more.

165.25 MAINTENANCE OF IMPROVEMENTS OUTSIDE CITY. Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the City does not desire to or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the City for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

165.26 MONUMENTS. Monuments shall be placed at block corners, points of curves, change in direction along lot lines and at least lot corner in accordance with City specifications. Monuments shall be verified and reset, if needed, before a certificate of occupancy will be issued for the property. Monuments shall also be reestablished if a portion of a lot is sold off to an adjoining property and original lot lines change. Monuments shall be steel rods with a licensed land surveyor's cap placed thereon or a mag nail if hard surface conditions exist.

165.27 PARK AND SCHOOL SITES. Where an area being subdivided includes lands proposed to be used for parks or schools under the duly adopted official plan of the City the subdivider shall indicate the location of such areas on the subdivision plat. Park sites within the City limits are to be purchased within two (2) years of the recording date of the subdivision by the City at the appraised raw land value prior to subdivision, plus one-half (Y2) of the cost of grading and paving, including curbs of the portion of any streets that are contiguous to the site. Park sites outside the City limits are to be reserved for three (3) years giving the County Board of Supervisors or other authorized public agency option to purchase the land at the appraised raw land value prior to subdivision, plus one-half (Y2) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site. School sites are to be reserved for four (4) years, giving the Le Mars Community School District the right to purchase the land at the appraised raw land value prior to subdivision, plus one-half (Y2) the cost of grading and paving, including curbs, of any streets contiguous to

the site. Should the park or school sites not be purchased within the time limits specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat.

165.28 INSTALLATION, CONSTRUCTION OF IMPROVEMENTS. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Council and to its satisfaction.

165.29 PAVEMENT OF ROADWAYS. All roadways shall be paved with 6-inch Portland Cement Concrete as approved by the Council after receiving the report and recommendations of the City Engineer. When the City requires paving depths greater than 6-inch, the City shall reimburse developer for cost in excess of aforesaid 6-inch thickness.

165.30 REQUIREMENTS FOR SIDEWALKS. Sidewalks with a minimum width of four (4) feet and a minimum thickness of four (4) inches of Portland cement concrete shall be installed in R-1 Residential District, R-1A Medium Density Residential District, R-2 Apartment District, and all other areas the City Council deems necessary to insure public safety, according to the following procedures:

1. Sidewalk grades shall be provided by the subdivider prior to approval and acceptance of the final plat of a new subdivision. Said sidewalk grades shall be approved by the Council upon acceptance of the final plat after receiving the report and recommendation of the City Engineer.
2. Sidewalks shall be constructed on a lot or lots by property owners as a requirement of the building permit. An occupancy permit for any dwelling or building shall not be issued until said sidewalk has been constructed.
3. An individual owning two (2) adjacent lots or portions of lots shall construct sidewalks on both.
4. Sidewalks shall be constructed and installed in any subdivision by the property owners, in all blocks where eighty percent (80%) of the lots have been improved.

165.31 WATER CONNECTIONS REQUIRED. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot in accordance with standards, procedures and supervision of the City. In addition to providing a water connection for each lot, the subdivider is also required to run the water main to the boundaries of the subdivision unless this requirement is waived by the Council.

165.32 SEWERS AND SEWAGE DISPOSAL.

1. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer, and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. In addition to making the sanitary sewer accessible to each lot the subdivider is also required to run the sanitary sewer line to the boundaries of the subdivision unless this requirement is waived by the Council.

Sewer systems shall be approved by the Council and the Iowa Department of Natural Resources and the construction subject to the supervision of the City Engineer.

2. Where sanitary sewers are not available, other facilities, as approved by the Council and the Iowa Department of Natural Resources must be provided for the adequate disposal of sanitary wastes.

165.33 MANDATORY RESIDENT INSPECTION BY THE CITY ENGINEER OR AUTHORIZED REPRESENTATIVE.

1. The City Engineer or authorized representative shall provide resident inspection in behalf of the subdivider, the cost of such inspection to be paid by the subdivider to the City prior to final acceptance of required improvements.

2. "Resident inspection" means either the City Engineer or a full-time construction inspector, appointed by the City Engineer, who shall be on site and perform inspection duets during, but not limited to, the following stages of construction:

A. The construction of all underground or concealed work, including water mains, sanitary and storm sewers and water and sanitary sewer service lines.

B. Installation and placement of all concrete pavement for streets and sidewalks.

C. Performance of all quality control tests, including pressure and bacterial tests for water mains, infiltration/exfiltration test for sanitary sewer lines and manholes, lamping and/or closed circuit television tests for sanitary sewer and/or storm sewer lines, utility trench compaction tests, embankment and fill compaction tests, pavement subgrade compaction tests, concrete strength tests and such other tests as be deemed necessary by the City Engineer or authorized representative.

3. The foregoing mandatory resident inspection provisions shall not in any way limit the responsibility of the subdivider for all construction, and the subdivider shall otherwise be fully responsible for the staking and location of required improvements which are the subject of inspection.

165.34 ELECTRIC AND GAS EXTENSIONS. Electric and gas connections will be provided for each lot in accordance with standards and procedures of the City. Electricity and gas will be extended to the boundaries of the subdivision by the subdivider unless this requirement is waived by the Council.

165.35 STREET LIGHTING. All street lights will be installed in accordance with standards and procedures of the City. Street light poles will be of the standard wood design and the fixtures will be standard type fixtures unless this requirement is waived by the Council.

165.36 SEEDING OF UNDEVELOPED LOTS. Developers of any subdivision for which the final plat is approved by the Council on or after September 4, 1990, shall be required to seed any dedicated street right-of-way and all undeveloped lots within thirty (30) days of the street and public utilities being installed. Said seeding is to be rye or brome grasses or oats or other type of seed as approved by the City Engineer.