

CHAPTER 165
ZONING REGULATIONS

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165.01 SHORT TITLE. This chapter shall be known and may be cited as “The City of Wyoming, Iowa, Zoning Ordinance.” The zoning map herein referred to is identified by the title, “The City of Wyoming Zoning Map.”[†]

165.02 PURPOSE. The purpose of this chapter is to regulate the use of land, facilitate the adequate provision of infrastructure, and to promote the general welfare of residents in the City.

165.03 DEFINITIONS. For the purpose of this chapter certain terms or words used herein shall be interpreted and defined as follows, unless the context requires otherwise:

1. “Dwelling” is a building with a permanent foundation or crawl space used as living quarters for one or more families not including auto courts, rooming houses or tourist homes.
2. “Lot” includes the word plat and parcel.
3. “Professional office building” is a building occupied and used by the following professions: lawyers, medical doctors, dentists, chiropractors, insurance agents, engineers, accountants, abstractors of title to real estate, and Federal, State and local governmental offices for the conduct of governmental business.
4. “Structure” means a combination of materials other than a building to form a construction that is safe and stable and includes among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, signs.

[†] **EDITOR’S NOTE:** See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.

5. "Used" and "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

165.04 APPLICABILITY OF REGULATIONS. Except as otherwise specifically provided by this chapter:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, side yards, front yards, inner or outer courts, than are specified herein for the district for which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
4. No building or buildings shall be erected, moved, altered, used or occupied in a district for purposes or uses other than are allowed herein for that district.

165.05 CLASS R-1 DISTRICTS – SINGLE-FAMILY RESIDENTIAL.

1. The areas designated R-1 as shown on the zoning map, a certified copy of which is on file in the office of the Clerk, shall be zoned Class R-1.
2. The following uses shall be allowed in any Class R-1 district:
 - A. One-family dwelling units.
 - B. Churches, places of worship, and parochial schools.
 - C. Public schools, public libraries, parks and playgrounds.
 - D. Small home occupations provided there are no signs or other evidence of such use.
 - E. Other accessory uses in buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.
 - F. Other uses, which in the opinion of the Board of Adjustment, are of the same general character as those listed

above as permitted uses, and which will not be detrimental to the district in which they are located.

3. The following regulations shall apply to any structure, building or dwelling constructed or altered in any Class R-1 district:

A. Density of Population. Lot area should be not less than 6,000 square feet and lot width shall be not less than fifty (50) feet. No more than one dwelling shall be placed upon any lot of the above size.

B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure including accessory buildings, shall cover more than 40% of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

C. Yards, Courts and Open Spaces. Every lot in any class R-1 District shall be required to have a front yard with a minimum of fifteen (15) feet before any structure may be erected, a rear yard setback of ten (10) feet and a side yard on each side with a minimum of five (5) feet before any structure may be erected. Lots located at the intersection of two streets shall meet the front yard setbacks for both frontages.

D. Building Minimums and Conditions. No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the building height exceed fifty (50) feet.

E. Temporary Residences. Basement dwellings may be lived in, not to exceed six months, and garages may be used as temporary dwellings for not to exceed six months.

165.06 CLASS R-2 DISTRICTS - ZERO-LOT DUPLEX RESIDENTIAL.

1. The areas shown on the zoning map, a certified copy of which is on file in the office of the Clerk, designated R-2, shall be zoned Class R-2.

2. The same uses permitted in Class R-1 districts will be permitted in an R-2 district.

3. The following regulations shall apply to any structure, building or dwelling constructed or altered in a Class R-2 district:

- A. Density of Population. Lot area shall be not less than 9,000 square feet with a minimum of 4,500 square feet per unit, and lot width shall be not be less than 75 feet.
- B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 50% of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.
- C. Yards, Courts and Open Spaces. Every lot in any Class R-2 district shall be required to have a front yard with a minimum of fifteen (15) feet before any structure may be erected, a rear yard setback of ten (10) feet and a side yard on each side with a minimum of five (5) feet before any structure may be erected. Lots located at the intersection of two streets shall meet the front yard setbacks for both frontages.
- D. Size of Structure. No structure shall be built having less than 1000 square feet of living space per dwelling unit.
- E. Temporary Residences. Basement dwellings may be lived in, not to exceed six months, and garages may be used as temporary dwellings for not to exceed six months.
- F. Other Uses. Funeral homes and professional office buildings are permitted in the R-2 district.

165.07 CLASS RM DISTRICTS – MULTIPLE-FAMILY RESIDENTIAL.

- 1. The districts shown on the zoning map and designated Class RM shall be zoned Class RM.
- 2. The following uses shall be allowed in any Class RM district:
 - A. All uses permitted in any Class R district.
 - B. Boarding houses.
 - C. Multiple-family dwellings.
- 3. The following regulations shall apply to any structure, building or dwelling constructed or altered in a Class RM district:
 - A. Density of Population. Lot area shall be not less than 6,000 square feet and lot width shall be not less than fifty (50) feet.
 - B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including

accessory buildings, shall cover more than 75% of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

C. Yards, Courts and Open Spaces. Every lot in any Class RM district shall be required to have a front yard with a minimum of fifteen (15) feet before any structure may be erected, a rear yard setback of ten (10) feet, and each lot shall have a minimum side yard of at least five (5) feet on each side. Lots located at the intersection of two streets shall meet the front yard setbacks for both frontages.

D. Size of Structure. No structure shall be built having less than 1000 square feet of living space per dwelling unit.

E. Temporary Residences. Basement dwellings may be lived in, not to exceed six months, and garages may be used as temporary dwellings for not to exceed six months.

165.08 CLASS C DISTRICTS – CENTRAL COMMERCIAL.

1. The districts shown on the zoning map and designated Class C shall be zoned Class C.
2. The following uses shall be allowed in any Class C district:
 - A. Stores and shops for conducting any lawful retail business.
 - B. Personal service shops.
 - C. Banks, theaters, offices, restaurants and taverns.
 - D. Garages and filling stations upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such board.
 - E. Wholesale businesses.
 - F. Post offices, plumbing shops, police and fire departments, stations, and telephone offices.
 - G. Those uses that in the opinion of the Board of Adjustment are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
 - H. Apartments. Off-street parking must be provided.
3. The following regulations shall apply to any structure, building or dwelling constructed or altered in a Class C district:

- A. Minimum Lot Size Requirements. Lot width shall not be less than 25 feet.
- B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 90% of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.
- C. Yards, Courts and Open Spaces. No minimum yard is required in any Class C district.
- D. Size of Structure. No structure shall be built greater than 45 feet or 3 stories tall.

(Ord. 339 – Nov. 09 Supp.)

165.09 CLASS C-1 – LIGHT COMMERCIAL.

1. The districts shown on the zoning map and designated Class C-1 shall be zoned Class C-1.
2. The following uses shall be allowed in any Class C-1 district:
 - A. Stores and shops for conducting any lawful retail business.
 - B. Personal service shops.
 - C. Banks, theaters, offices, restaurants and taverns.
 - D. Garages and filling stations upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such board.
 - E. Wholesale businesses.
 - F. Post offices, plumbing shops, police and fire departments, stations, and telephone offices.
 - G. Those uses that in the opinion of the Board of Adjustment are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
3. The following regulations shall apply to any structure, building or dwelling constructed or altered in a Class C-1 district:
 - A. Minimum Lot Size Requirements. Lot width shall not be less than 50 feet.
 - B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 60% of the area of the

lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

C. Yards, Courts and Open Spaces. Every lot in any class C-1 district shall be required to have a front yard with a minimum of fifteen (15) feet before any structure may be erected, and each lot shall have a minimum side yard of at least ten (10) feet on each side.

D. Size of Structure. No structure shall be built greater than 35 feet or 2 stories tall.

4. Off-Street Parking. Hard-surfaced off-street automobile parking shall be provided in the C-1 Light Commercial district according to the following table:

USE	SPACES REQUIRED
Theater, auditorium church or place of public assembly	1 per 8 seats available at maximum capacity
Medical centers	1 per 300 square feet gross floor area
Storage areas, warehouse	
Retail establishment	
Office uses	
Professional office buildings	
Mortuaries and funeral homes	

165.10 CLASS I-1 DISTRICTS – INDUSTRIAL. The districts shown on the zoning map and designated Class I-1 shall be zoned Class I-1.

1. Permitted Uses. The following uses should be allowed in any Class I-1 district: Subject to subsection 3 of this section, all lawful uses not permitted in any other class or district shall be permitted in any district zoned Class I-1.

2. Prohibited Uses. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibrations, or similar substances or conditions and uses that have been declared a nuisance in any court of record are prohibited in any district zoned Class I-1.

3. The following regulations shall apply to any structure, building or dwelling constructed or altered in a Class I-1 district:

A. Minimum Lot Size Requirements. Lot shall not be less than five thousand (5,000) square feet. Lot shall not be less than width of fifty (50) feet.

B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 60% of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

C. Yards, Courts and Open Spaces. Every lot in any class I-1 district shall be required to have a front and rear yard with a minimum of twenty-five (25) feet before any structure may be erected, and each lot shall have a minimum side yard of at least ten (10) feet on each side except where a side yard abuts a residential district in which case a side yard of twenty-five (25) feet shall be required.

D. Size of Structure. No structure shall be built greater than 50 feet tall.

4. Off-Street Parking. Hard-surfaced off-street automobile parking shall be provided in the I-1 district according to the following table:

USE	SPACES REQUIRED
Manufacturing	1 per employee and 1 space per vehicle used by the company
Farm implement sales, service, repair and assembly Truck garage and repair shop Automobile paint and body shop	1 per 300 square feet of sales, service or office floor area
Building materials and storage	1 per 200 square feet of sales, service or office floor area
Contractor's shop and storage yard Veterinarian's office and kennel Truck and freight terminal Welding and machine shop Railroads and public utilities including storage and maintenance yards and buildings	All uses shall provide one (1) off-street loading space for each 5,000 square feet of floor area or fraction thereof
Commercial trade schools and colleges including dormitory facilities	1 space for each four (4) seats in the auditorium or ten (10) spaces for each classroom, whichever is greater
Laboratories, research, experimental and testing	1 space per two (2) employees, plus one (1) space for each vehicle used in the conduct of the enterprise
Warehouses	1 space for each three (3) employees, plus one (1)space for each vehicle used in the conduct of the enterprise

5. Permitted Signs.
 - A. Trade, business or industry identification signs, provided that they:
 - (1) Do not exceed 25 feet in height.
 - (2) Do not overhang the public right-of-way.
 - (3) Are not within 75 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semipublic building.
 - B. Advertising signs and billboards, provided that:
 - (1) No billboard shall be located in, overhang or project into a required yard.
 - (2) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

(Ord. 309 – Aug. 06 Supp.)

165.11 CLASS R-FB OVERLAY DISTRICT – RESIDENTIAL FACTORY-BUILT HOUSING PARK. The R-FB Residential Factory-Built Housing Park Overlay is intended to provide for the placement of manufactured homes, mobile homes and modular homes within factory-built housing parks. The overlay district is intended to provide and maintain for the operation of facilities to be used by manufactured home park residents including laundry, recreational facilities, and other structures or features for the safety and welfare of park residents. The overlay district allows for a residential factory-built housing park to be located anywhere in the City provided it meets the minimum standards provided herein.

1. R-FB Use Regulations. Principal and accessory uses permitted in the R-FB Zone District shall be prescribed in Table A at the end of this section.
2. Bulk Regulations. The minimum area, setback, density and maximum height shall be as prescribed in Table B.
3. Accessory Uses. Accessory uses are permitted subject to this chapter.
4. Home Occupations. Home occupations are permitted subject to this chapter.

5. Off-Street Parking. Off-street parking shall be provided in all Mobile Home Parks.
6. Signs. Signs shall be monument style placed at the entrance and/or exit of the park.
7. Factory-Built Housing Park Layout Standards. The following standards shall be considered as minimums for the layout of factory-built home parks:
 - A. Minimum Area. The minimum gross area for a park is five (5) acres.
 - B. Maximum Density. Maximum density shall not exceed seven (7) factory-built homes per gross acre.
 - C. Minimum Lot Size. Minimum lot sizes shall be as prescribed in Table B.
 - D. Entrance. Stairs servicing the main entrance of the factory-built home shall be a minimum of thirty-six (36) inches in width and shall include guardrails, and/or handrails. All stairs and entrance landings shall be secured to the factory-built home and the ground surface. The stairs shall be placed on a level, solid surface.
 - E. Clearance Between Homes. No factory-built home shall be located within five (5) feet of the side yard lot line for the space. In determining the clearance requirements, an annex shall be considered an integral part of the factory-built home. No factory-built home shall be located closer than fifteen (15) feet from the front yard lot line or ten (10) feet from the rear yard lot line of the space.
 - F. Yards. Each factory-built home park shall provide a yard not less than fifty-five (55) feet along each boundary abutting a public right-of-way. Such yards shall be landscaped to screen the park from the right-of-way, except for those portions used for ingress and egress.
 - G. Unit Placement. It is preferred that all homes shall have a parallel orientation to the street.
 - H. Alternative Designs. Developers electing to provide a design alternative to parallel orientation should provide a street-front façade. The following illustration provides an example of a perpendicular orientation providing a street-front façade.



I. Park Perimeter Buffering. Each yard area abutting on a perimeter public street or adjoining other property shall provide an appropriate width and screening to effectively buffer the park. Perimeter buffering will be reviewed during site plan review and may include a combination of screening trees, vertical berming, and/or screening fencing. A detail regarding the proposed screening combination shall be prepared by a Landscape Architect or other qualified professional and be included in the site plan reviewed by City Planning and Zoning Commission.

J. Trees. Trees shall be provided along street frontages at a rate of two trees per lot.

K. Access.

(1) Entrance/Exit Roadways. Each factory-built home park shall have at least two (2) separate entrance and exit roadways and shall connect to a dedicated public right-of-way not less than fifty (50) feet in width.

(2) Private Streets. All factory-built home park spaces shall abut a private street of not less than twenty-four (24) feet in width and with a minimum right-of-way of forty (40) feet. Interior streets greater than 250 feet in length shall be of curvilinear design with curve radius to reduce the straight-line appearance of the park. The actual curve radius to be determined based on the length of the street and site conditions, such as topography and shall provide an overall offset equal to the width of the street.

(3) Cul-de-sac Requirements. All dead-end private streets over four hundred (400) feet shall include adequate space for a cul-de-sac with a diameter of one hundred (100) feet.

(4) Surfacing. Private streets shall be constructed of a six-inch (6") Portland concrete cement with a rollover curb.

(5) On-Street Parking. Parking shall only be allowed on one side of a private street, provided the street is a

minimum width of twenty-seven (27) feet and provides a minimum of a forty-five (45) foot right-of-way. Parking shall be allowed on one side only and shall be marked accordingly with signs designating parking.

L. Sidewalks. Sidewalks no less than four (4) feet in width shall be provided from factory-built home spaces to service buildings on both sides of all streets within a factory-built home park. Sidewalks shall be located one (1) foot outside the lot line of the factory-built home space and shall be constructed of a thickness of no less than four (4) inch Portland concrete cement, except six (6) inch concrete is required through drives.

M. Private Lighting. Sidewalks and driveways shall be properly maintained and shall be lighted at night with a minimum illumination of at least six-tenths (0.6) foot-candle. Forty-watt lamps at intervals of not more than fifty (50) feet shall meet the illumination requirements.

N. Off-Street Parking. Two (2) off-street-parking spaces shall be provided on each factory-built home site and shall be located entirely on the factory-built home space. Each such parking space shall measure not less than nine by eighteen (9 x 18) feet.

O. Storage Shed. A maximum of one storage shed per lot and no greater than twelve by twelve (12 x 12) feet may be located as an accessory use to the factory-built home, provided the shed is located on the same space as the factory-built home. The storage shed shall not be located in the front yard of the factory-built home space and shall be located no less than four (4) feet from the side or rear lot line of the factory-built home space. The exterior wall and roof covering material shall match the wall and roof covering material of the dwelling unit for which it serves.

P. Storage Area. Enclosed storage facilities in clusters throughout the R-FB park, shall be provided in an amount equal to one hundred (100) square feet per mobile factory-built home space. The area shall be for the residents of the park to store trailers of all types, boats, detached pickup campers, motor homes, etc. Such storage area shall be topped with a dust- and growth-free surface facilitating drainage and shall be screened on all four sides by a solid fence not less than eight (8) feet in height.

Q. Recreation Area. A general area or areas amounting to not less than five percent (5%) of the gross area of the factory-built home park, excluding any area dedicated as public right-of-way,

shall be provided for recreation use. Such areas shall not include any that are designated as a factory-built home space, storage area or required yard.

R. Fences. All fences erected or placed within a factory-built home park shall comply with this chapter.

S. Storm Shelters. There shall be one or more storm shelters provided and maintained for use by the residents. An architect or engineer, as defined in the Iowa Architectural and Engineering Laws, shall prepare the structural plans for the storm shelters with the following location and design criteria:

- (1) Locations within 1,200 feet of all units.
- (2) Shelter size to provide for seven (7) square feet per unit served by that shelter.
- (3) Shelters to be provided with emergency lighting and battery operated AM radio.

8. Factory-Built Home Park Standards For Utilities and Services.

A. Drainage. The park shall be located on a well-drained site, properly graded to insure drainage and proper retention where required.

B. Health Regulations. All factory-built homes and factory-built home parks shall comply with all City, County and State health regulations applicable to other rental properties or owner-occupied housing within the City.

C. Underground Utilities. All public utilities within the factory-built home park shall be underground.

D. Water Supply. The water supply for the factory-built home park shall be a system that is owned and operated by the City. An adequate supply of pure water for drinking and domestic purposes shall be supplied to all buildings and factory-built home spaces within the park to meet the requirements of the park. Each factory-built home space shall be provided with a cold-water tap of no less than three-quarter inch (3/4") pipe above the ground. The park shall provide a complete water main supply system, including hydrants, valves and other appurtenances, which shall be extended into and through the park to the boundary line and shall connect to the municipal water system when installed. The water system for the factory-built home park shall be installed in accordance with the Wyoming Subdivision

Ordinance. Standard fire hydrants shall be located within three hundred (300) feet of each factory-built home.

E. Sewer System. The sewage disposal system for the park shall connect to the system owned and operated by the City. All plumbing in the factory-built home park, including but not limited to waste from laundry facilities, showers, bathtubs, flush toilets, urinals, lavatories and kitchen sinks in service and other buildings within the park, shall be discharged into the public sanitary sewer system in compliance with the plumbing laws and health regulations of the State of Iowa, Linn County and the City of Wyoming. Each factory-built home space shall be provided with a sanitary sewer of at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home. The sanitary sewer pipe in each space shall be connected to discharge the waste into the public sewer system in compliance with applicable City ordinances and specifications.

F. Electricity and Natural Gas.

(1) Electric outlet supply of two hundred forty (240) volts - two hundred (200) amperes of service shall be provided for each factory-built home space. The installation shall comply with all State and local electrical codes and ordinances. Such electrical outlets shall be weatherproof.

(2) Street and yard lights shall be provided in such number and intensity as to ensure the safe movement of vehicles and pedestrians at night. A light shall be located at each outside entrance of the service buildings, which shall be kept lighted during the hours of darkness.

(3) Where natural gas is provided, installation shall comply with all applicable code regulations.

G. Service Buildings. Accessory uses are permitted subject to the following provisions.

(1) Standards. Service buildings shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing and sanitary systems.

(2) Maintenance. All service buildings in the grounds of the park shall be maintained in a clean, safe condition

and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

H. Tie-Downs and Base. All factory-built homes located within the City limits shall provide, install and maintain a tie-down system in securing and maintaining in position mobile homes, annexes thereto and auxiliary buildings. Said tie-down system shall be in compliance with all applicable Federal, State and local rules and regulations as to factory-built home construction.

**TABLE A
USES R-FB ZONE**

P = Permitted A = Accessory N = Not Allowed

LAND USE	NOTES	
Coin-operated laundries	A	
Community buildings	P	Owned or operated by public or private agencies or organizations; not commercial
Emergency shelters	P	Required
Family homes	P	Minimum 12 feet wide
Factory-built home sales	A	
Factory-built home park	P	
Home occupations	A	See Section 165.14
Maintenance building	A	
Manufactured housing	P	Minimum structure width 14 feet
Mobile homes	P	Minimum structure width 14 feet
Modular housing	P	Minimum structure width 14 feet
Day care group	P	
Parks	P	Owned or operated by public or private agencies or organizations; not commercial
Playgrounds	A	
Private swimming pools	A	
Recreation buildings	A	
Storage shed	A	1 per lot; maximum size 144 s.f.
Temporary construction buildings	A	
Tennis courts	A	

**TABLE B
BULK REGULATIONS R-FB ZONE**

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			Maximum Height
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	
Single-Family Dwellings; Family Homes, Manufactured Homes, Mobile Homes, Modular Homes in a Parallel Orientation		90 feet	5,500 sq. feet	15 feet*	5 feet*	10 feet	35 feet or 2 1/2 stories
Single-Family Dwellings; Family Homes, Manufactured Homes; Mobile Homes; Modular Homes in a Perpendicular Orientation	35 feet	50 feet	5,000 sq. feet	20 feet*	8 feet*	25 feet	35 feet or 2 1/2 stories
Factory-Built Housing Park	400 feet	500 feet	20 acres	25 feet**	20 feet**	30 feet	

* 25 feet if adjacent to a public right-of-way
 ** 50 feet if adjacent to a public right-of-way

165.12 FENCE REQUIREMENTS. The provisions of this section apply to the construction, alteration, moving and repair of any fence within the jurisdiction.

1. **Permit Required.** Each application for a fence permit shall be submitted prior to the installation of a fence. The application shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot, the size, shape and location of all existing buildings, location, height and material type of the proposed fence, and such other information as may be necessary to provide for the enforcement of this section. A record of applications and plans shall be kept by the Zoning Officer.
2. **Application Fee.** A fee for the fence permit shall be charged. The fee shall be set by the jurisdiction and shall be available at the office of the Clerk.
3. **Review.** All applications for fence permits shall be submitted to the Zoning Officer for a ten-day review and approved prior to permit issuance. Each application shall include data necessary to show that the requirements of this section are met.
4. **Expiration.** Every fence permit issued by the Zoning Officer under the provisions of this section shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.
5. **Inspection Required.** Upon completion of the work the applicant or owner shall notify the Zoning Officer that the work is completed. A final inspection may be performed to assure compliance with this section.
6. **Height.** All fences, retaining walls and hedges located within a front, side or rear yard shall not exceed those found in the following table.

MAXIMUM FENCE HEIGHTS

DISTRICT	FRONT	SIDE	REAR
A Zones	4 feet*	8 feet	8 feet
All	4 feet*	8 feet	8 feet

* At street intersections, no fence, retaining wall or hedge more than three (3) feet in height above the street level shall be located within a triangular area composed of two of its sides and twenty-five feet in length and measured along the right-of-way lines from the point of intersection of the above-referenced lines.

7. Location. Fences and hedges shall be located no less than two (2) feet from any lot line, or right-of-way line of a public or private street or alley.
8. Fence Material.
 - A. Barbed Wire. It is unlawful for any person to erect, construct, keep or maintain any barbed wire fence within the City except when the barbed wire fence is erected, constructed and maintained in compliance with the provisions contained in the Iowa Code and used on property in agricultural use, provided the property has been used for the purpose of enclosing livestock within the preceding twenty-four month period. Barbed wire fences shall be permitted in a commercial or industrial zoning district, provided that the bottom strand of barbed wire shall not be less than six and one-half (6½) feet above grade.
 - B. Electric Fences. It is unlawful for any person to erect construct, keep or maintain any electric fence in any zoning district within the City, except for the enclosure of livestock operations located in an Interim Development district, provided the property on which the livestock operation is located does not adjoin property that is zoned or used for any residential purposes.
 - C. Barbed wire and electric fences shall be prohibited in any zoning district or in conjunction with any use or operation when it is located within five (5) feet of an adjoining residential property, a public sidewalk or a street right-of-way line where a public sidewalk does not exist.
 - D. Metal fence shall consist of a galvanized or vinyl covered chain link material, including all supporting frame posts and rails.
 - E. Wood fence shall consist of a treated or decay resistive material. Posts and supports for the wood fence shall be located on the inside of the fence on the property on which the fence is constructed.
9. Prohibited Fence Material. The following fences are prohibited, except as provided in this chapter or for permitted agricultural residential gardening uses to protect against rodents, vermin and pests:
 - A. Wooden snow fence;
 - B. Welded wire fence;
 - C. Panel fence;
 - D. Plastic snow/safety fence; and
 - E. Chicken wire.

A snow fence may be erected on a temporary basis, not to exceed six months, to alleviate the adverse effects of drifting snow or to warn and prevent access to an area by unauthorized persons. When erected on a temporary basis to prevent access of unauthorized persons to any area, the snow/safety fence shall be removed within twenty-four hours after the elimination of the reason for which the fence was erected originally.

10. Installation and Maintenance. All fences shall be constructed in a workmanlike manner with approved materials and installed to withstand wind load of 30 pounds per square foot. All fences shall be maintained and repaired as needed.

165.13 ACCESSORY BUILDINGS, STRUCTURES AND USES. The provisions of this section shall apply to the construction, alteration, moving and repair of any garage, storage shed, deck, cement slab, patio, dog run, or gazebo within the jurisdiction.

1. Permit Required. Each application for an accessory use permit shall be submitted prior to construction. The application shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot, the size, shape and location of all existing buildings, location, height and material type of the proposed structure, and such other information as may be necessary to provide for the enforcement of this section. A record of applications and plans shall be kept in the City Clerk's office.

2. Application Fee. A fee for the accessory use permit shall be charged. The fee shall be set by resolution of the City Council and shall be available at the office of the City Clerk.

3. Review. All applications for permits shall be submitted to the City Clerk for a ten-day review and approved prior to permit issuance. Each application shall include data necessary to show that the requirements of this chapter are met.

4. Expiration. Every permit issued by the code official under the provisions of this section shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

5. Inspection Required. Upon completion of the work the applicant or owner shall notify the code official that the work is completed. A final inspection shall be performed to assure compliance with this section.
6. General. No accessory building shall be used as a dwelling unit.
(Ord. 327 – Oct. 07 Supp.)
7. Separation from Main Building. All accessory buildings, excluding decks and gazebos, shall be separated from the main building by ten (10) feet.
8. Appearance. An accessory building shall be comprised of similar building materials as the principal building.
9. Private Garages. An accessory building used as a private garage may be located in any portion of the rear or side yard under the following conditions:
 - A. Maximum one private garage per lot.
 - B. A maximum square feet gross building area not to exceed 30% of the rear yard area with a maximum size of 850 square feet.
 - C. No portion of the structure located in a rear yard area shall be located less than four (4) feet from an adjoining property line; less than twenty (20) feet from a public or private alley; on a utility easement.
 - D. No portion of the structure located in a side yard area shall be located less than the required side yard setback for the main building or on a utility easement.
 - E. Maximum building height of eighteen (18) feet.
10. Accessory Structures. Decks, gazebos, or other seasonal structural addition is an accessory to the permitted use. They may be located in either the front, rear, or side yard not to exceed the setback requirements.
11. Storage Buildings. All accessory buildings used for storage or other similar use may be located in any portion of the rear yard under the following conditions:
 - A. Maximum 200 square feet gross building size.
 - B. No portion of the structure shall be located less than four (4) feet from any adjoining property line; less than ten (10) feet from a public or private alley; on a utility easement.

- C. Maximum building height of ten (10) feet.
12. Front Yard Area. No private garage or storage buildings shall be located in a front yard area.
13. Accessory Uses in R and RM Districts.
- A. Storage of wood, lumber, and other material where the land occupied by such storage is confined to one location in the rear yard area with a maximum area of one hundred square feet, provided that there are at least eight (8) inches of free air space under such storage.
- B. Keeping of small animals commonly housed in a dwelling, but not for sale purposes. Dog runs constructed solely for the purpose of confining dogs for exercising and feeding may be located in an Residential zone, provided that they shall not be located in a front yard or side yard or closer than ten (10) feet to any lot line.
14. Miscellaneous - Parking and Storage. No person shall park, keep or store, or permit the parking or storage of an inoperable vehicle, vehicle component parts, miscellaneous junk and debris or more than one recreational vehicle on any public or private property, in any zoning district, unless it shall be in a completely enclosed building. This regulation shall not apply to legitimate businesses operating in a lawful place and manner, in accordance with the zoning regulations, provided, however, that any outside areas used for parking and storage shall be screened from public view if required by the regulations of the zoning district within which they are located.

(Ord. 307 – Oct. 04 Supp.)

165.14 SPECIAL USES – HOME OCCUPATIONS. A “home occupation” is any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. Home occupations shall comply with the following:

1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its residential use and not more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be used for the home occupation.

2. There shall be no change to the outside appearance of the building or premises, or visible evidence of the conduct of such home occupation other than one sign, non-illuminated, not exceeding one (1) square foot in area, and mounted flat against the wall of the principal building.
3. No home occupation shall be conducted in an accessory building except by special exception of the Board of Adjustment.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, smoke, dust, odor, electrical interference, heat or glare beyond the confines of the dwelling unit or accessory building.

165.15 ENFORCEMENT.

1. Administration and Enforcement. This chapter shall be enforced by the Zoning Officer appointed by the Mayor subject to Council approval. No permit shall be issued except when the provisions herein have been complied with.
2. Permits and Certificates of Occupancy. No land shall be used or occupied and no building erected hereafter, or extended, until a certificate of occupancy and a building permit shall have been issued in accordance with the provisions of this chapter. Said permit shall be valid for one year, and a new permit shall be required if the first permit expires. The second permit shall be in the same amount as the first.
3. Powers and Duties. The Zoning Officer shall have the following powers and duties:
 - A. The Zoning Officer shall issue building permits when it has been shown to such officer's satisfaction that such proposed building or extension will be in conformity with this chapter, and upon the required payment as determined by Council resolution.
 - B. The Zoning Officer shall receive compensation set by the Council, to be paid from the fees collected for the issuance of building permits.

165.16 BOARD OF ADJUSTMENT.

1. Board of Adjustment Created. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five (5) members, each to be appointed by the Council for a term of five (5) years, who shall be citizens of the City and who shall not hold any elective office in the City government. The Council shall fill vacancies for the unexpired term of any member whose term becomes vacant. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. The Board shall elect a Chairperson from its membership, and appoint a Secretary. All members of the Board shall serve without compensation. Matters of procedure, powers and judicial review relating to this Board are regulated by statute.

2. Procedure. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. All hearings and meetings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote, or failure to vote, of each member upon every question, and shall keep records of its examinations and other official actions. These shall be filed immediately in the office of the Clerk and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this section or with the Iowa Statutes. The Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

3. Review by Board of Adjustment. All prohibitions as above provided are subject to review by the Board of Adjustment and an otherwise prohibited use may be permitted if approved by said Board, subject to securing a permit therefor and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals, and general welfare of the community. An appeal to the Board of Adjustment may be taken by any person aggrieved by any order, requirement, decision or determination by any governmental officer, department, board or bureau based in whole or in part upon the provisions of this section. Such appeal shall be filed with the Zoning Officer and the Board of Adjustment within twenty (20) days of the action appealed from. Upon appeal, the Zoning Officer shall immediately transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Board that a stay would, in the opinion of the Zoning Officer, cause imminent peril to life or

property. The Board shall fix a reasonable time for hearing of the appeal, a notice of which shall be published at least once not more than twenty (20) or less than seven (7) days before the hearing in a newspaper of general circulation within the community. The concurring vote of three (3) members of the Board of Adjustment is necessary to reverse any order, requirement, decision of an administrative official or to decide in favor of the applicant. A fee set by resolution by the Council shall be paid to the Clerk at the time the notice of appeal is filed to the credit of the General Revenue Fund of the City.

4. Powers and Duties. The Board shall have the following powers and duties:

A. To hear and decide appeals where it is alleged that there is an error in any action by the Zoning Officer or other administrative official in carrying out the provisions of this chapter; and for the interpretation of the Zoning Map.

B. To hear and decide special exceptions to the terms of the Zoning Ordinance where specifically outlined.

C. To hear and decide on applications for a variation in cases where there are practical difficulties or particular hardships in the way of carrying out the provisions of this chapter. Before any variation is granted, the Board of Adjustment must make a finding of facts that all of the following conditions are shown to be present: (a) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; (b) the plight of the owner is due to unique circumstances, and (c) a variation, if granted, will not alter the essential character of the locality. In granting a variation the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this chapter.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to permit a use not generally permitted in the district involved.

5. Appeal from Decision of Board of Adjustment. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of this chapter, or any taxpayer, or any officer, department, board, or bureau of the City, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after

CHAPTER 166
SUBDIVISION REGULATIONS

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166.01 DEFINITIONS. For use in this chapter certain terms or words used herein shall be interpreted or defined as follows:

1. “Alley” means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. “Applicant” means the owner of land to be subdivided or said owner’s representative.
3. “Block” means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries.
4. “Bond” means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.
5. “Building” means any structure built for support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
6. “Central sewage system” means a private sewer system including collection and treatment facilities established by the developer to serve a new subdivision or resubdivision.

7. "Central water system" means a private water system established by the developer to serve a new subdivision or resubdivision. It includes water treatment and distribution facilities.
8. "City Engineer" means the person designated by the Council to furnish engineering assistance for the administration of these regulations.
9. "Commission" means the Planning and Zoning Commission of the City.
10. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.
11. "Developer" means the owner of land proposed to be subdivided or such owner's representative.
12. "Easement" means an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of such owner's property.
13. "Frontage" means that portion of a lot abutting on a street or way and complying with the setback and front yard requirements as they may exist, but it is not considered as the side of a corner lot.
14. "Individual sewage disposal system" means a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
15. "Local board of health" means the County Board of Health.
16. "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.
17. "Municipal arterial streets" means those streets which connect principal traffic generating areas or connect such areas with other street systems.
18. "Municipal collector streets" means those streets that collect traffic from municipal service streets and connect to other street systems.
19. "Municipal service street" means those streets that primarily provide access to property.
20. "Owner" means any person having legal title to or sufficient proprietary interest in the land to be sought to be subdivided under these regulations.

21. “Plat” means a map, drawing or chart on which the developer’s plan of the subdivision of land is presented and which the developer submits for approval and intends, in final form, to record.
22. “Public improvement” means any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
23. “Right-of-way” means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term “right-of-way” for land platting purposes means that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
24. “Roadway” means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
25. “Street” means and includes any public way, highway, street, avenue, boulevard, parkway or other public thoroughfare, and each of such words includes every other of them, and includes the entire width between property lines.
26. “Subdivider” means a person undertaking the subdivision or resubdivision of a tract or parcel of land.
27. “Subdivision” means the division of land into three (3) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or to the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.
28. “Surveyor” means a land surveyor licensed and registered under the Code of Iowa.

166.02 PROCEDURE. In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements of Section 166.04 and install the required improvements or provide a performance bond.

166.03 PRE-SUBMISSION CONSULTATIONS. Prior to the submission of the preliminary plat of any subdivision, the subdivider is encouraged to meet with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the procedural steps, design standards, required improvements and platting requirements. During such meetings, no commitments shall be made which will be binding upon the City.

166.04 REQUIREMENTS OF PRELIMINARY PLAT. Every proposed subdivision shall be submitted for tentative approval in the form of a preliminary plat prior to the submission of a final record plat. The purpose of the preliminary plat and accompanying material is to provide all facts needed for the Commission and Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interest. The following graphic and descriptive material is required to be provided on the preliminary plat and in the accompanying material.

1. Contents of Preliminary Plat. The preliminary plat shall be prepared by a registered land surveyor at a convenient scale of not more than one inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The following information shall be shown on the preliminary plat:

- A. Title, scale, north point and date.
- B. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners. Exterior boundaries are to be indicated with a solid heavy line.
- C. Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights, fire hydrants, and street signs.
- D. Proposed layout of blocks and lots showing dimensions, radii, chords and the square foot areas of lots that are not rectangular, and the lot and block number in numerical order.
- E. Building setback or front yard lines.

- F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
 - G. Present and proposed easements, showing locations, widths, purposes and limitations.
 - H. Location and names of adjoining parcels of unsubdivided and subdivided land.
 - I. Boundaries of the highest known flood of record affecting the subdivision and the source of information.
 - J. If the proposed subdivision borders on a lake or stream, the distances and bearings of meander line established not less than twenty (20) feet back from the mean high water mark of the lake or stream.
 - K. Existing blocks, lots, and buildings.
 - L. Present and proposed utility systems including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each. If the subdivision is within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.
 - M. Proposed name of the subdivision.
 - N. Names and addresses of the owner, subdivider, builder, and surveyor who prepared the preliminary plat, and the surveyor who will prepare the final plat.
 - O. Official legal description of the property being platted.
 - P. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five percent (5%) if the general slope is 10% or greater.
 - Q. Existing and proposed zoning of the proposed subdivision and adjoining property.
 - R. Location of all proposed monuments.
2. Information to Be Provided in Accompanying Material. The following information shall accompany a plat when filing.
- A. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants

which are proposed by the developer to apply to the subdivided land.

B. A table of the following information:

- (1) Total acreage of subdivision.
- (2) Total number of lots.
- (3) Minimum, average, and maximum lot area.
- (4) Acreage of public lands to be dedicated or reserved other than streets.

C. An attorney's opinion showing that the fee title to the property proposed for subdividing is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.

D. If any portion of the subdivision is to have access on a State or County jurisdictional street, a written and signed statement acknowledging and permitting the access by the duly authorized official of the appropriate jurisdiction.

E. Specifications and engineering construction drawings including profiles, cross-sections, and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards, including a site grading plan for the entire subdivision.

166.05 SUBMISSION OF PRELIMINARY PLAT. The subdivider shall prepare a preliminary plat in accordance with the provisions of Section 166.04 and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of ten dollars (\$10.00) per lot.
2. Number of Plats. Be accompanied by a minimum of ten (10) copies of the preliminary plat.
3. Time of Submission. Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Commission.

166.06 REFERRAL OF PRELIMINARY PLAT. The Clerk shall immediately refer two (2) copies of the preliminary plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside

the corporate limits of the City, the Clerk shall refer one copy of the preliminary plat to the County Board of Supervisors.

166.07 REVIEW OF PRELIMINARY PLAT. The preliminary plat shall be reviewed by the Commission to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Copies of the preliminary plat may be transmitted to other City or school officials, as the Commission deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer shall be transmitted to the Commission within three (3) weeks from the date the plat is filed. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

166.08 ACTION BY THE COMMISSION. The Commission shall, as soon as possible, but not more than thirty (30) days thereafter, pass upon the preliminary plat as originally submitted or modified. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. Reasons for Changes or Disapproval. In the event that substantial changes or modifications are made by the Commission or the Commission recommends disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be re-submitted in the same manner as the original plat.
2. Tentative Approval. If the Commission recommends approval, it shall express its approval as "Tentative Approval" and state the conditions of such approval, if any.
3. Documenting Approval. The action of the Commission shall be documented on seven (7) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and five (5) copies shall be referred to the Council.

166.09 ACTION BY COUNCIL. Within thirty (30) days of the receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be returned to the Commission for further review and the Clerk shall notify the subdivider of such action. If approved, the Clerk shall affix his or her signature to five (5) copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. One copy shall be

returned to the Commission and three (3) copies shall be returned to the subdivider. The "Tentative Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

166.10 EFFECTIVE PERIOD OF TENTATIVE APPROVAL. The tentative approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval must have been obtained. Any plat not receiving final approval within this period of time shall be void, and the subdivider shall be required to resubmit a new plat for tentative approval subject to all new zoning restrictions and subdivision regulations.

166.11 COMPLETION OF IMPROVEMENTS. Before the Council will approve the final plat, all of the required 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 City requirements, and the agreements between the subdivider and the City.

166.12 PERFORMANCE BOND. The completion requirement for improvements may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one year from final acceptance of the plat; but 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. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. Upon recommendation of the Commission, the Council may extend the completion date set forth in the bond for a maximum period of one additional year.

166.13 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

166.14 REQUIREMENTS OF THE FINAL PLAT. The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

1. Contents of the Final Plat. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:

- A. The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the County Recorder, Assessor and Auditor. The original plat drawing shall remain the property of the registered land surveyor.
- B. The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen (18) inches by twenty-four (24) inches nor less than eight and one half (8½) inches by eleven (11) inches.
- C. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.
- D. A maximum scale of one hundred (100) feet to one inch shall be used. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.
- E. Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- F. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat, as well as the scale and date.
- G. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat, the location of the additional monuments shall be shown on the plat.
- H. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
- I. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

J. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.

K. Curve data shall be stated in terms of radius, central angle, and tangent, or length of curve. In all cases, the curve data must be shown for the line affected.

L. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

M. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. In all cases, the true boundary shall be clearly indicated on the plat.

N. All interior excepted parcels shall be clearly indicated and labeled, *Not a Part of This Plat*.

O. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

P. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

- Q. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
 - R. The purpose of all areas dedicated to the public must be clearly indicated on the plat.
 - S. Street names and clear designation of public alleys.
 - T. Block and lot numbers.
 - U. Name and address of owner and subdivider.
 - V. Accurate dimensions for any property to be dedicated or reserved for public use.
 - W. The plat shall be signed and acknowledged by the subdivision land owner and his or her spouse.
 - X. A sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
2. Information to Be Provided in Accompanying Material. The following material shall be submitted with the final plat:
- A. A correct legal description of the subdivision land.
 - B. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
 - C. 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.
 - D. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the

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

E. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

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

G. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

H. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted to the City prior to construction or with the final plat if not constructed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

I. The encumbrance bond, if any.

166.15 SUBMISSION OF FINAL PLAT. The subdivider shall prepare a final plat in accordance with the provisions of Section 166.14 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. **Forms and Fees.** Be made on forms available from the Clerk together with a fee of ten dollars (\$10.00) per lot.
2. **Number of Copies of Plat.** Be accompanied by a minimum of ten (10) copies of the final plat.
3. **Offers of Dedication.** Be accompanied by all formal irrevocable offers of dedication to the public of all streets, city uses, utilities and easements, in a form approved by the City Attorney.
4. **Time of Submission.** Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Commission.

166.16 REFERRAL OF FINAL PLAT. The Clerk shall immediately refer two (2) copies of the final plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside the corporate limits of the

City, the Clerk shall refer one copy of the final plat to the County Board of Supervisors.

166.17 ACTION BY COMMISSION. The Commission shall, upon receiving the final plat, as soon as possible, but not more than thirty (30) days thereafter, consider the final plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council together with a certified copy of its resolution showing the action of the Commission. If the Commission recommends approval of the final plat, such approval and the date thereof shall be noted on the plat over the signature of both the Chairperson and Secretary of the Commission and the plat and five (5) copies shall be transmitted to the Council, and one copy shall be returned to the subdivider.

166.18 ACTION BY THE COUNCIL. Upon receipt of the certification by the Commission, the Council shall, within sixty (60) days, either approve or disapprove the final plat.

1. Disapproval of Plat. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. Acceptance of Plat. In the event that said plat is found to be acceptable and in accordance with these regulations, the Council shall accept same.
3. Final Approval and Recording of Plat. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of the County where the land to be subdivided is located, 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.

166.19 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

1. Procedure for Resubdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision.

2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

166.20 COMPLETION OF IMPROVEMENTS. Before the final plat is approved by the Council, all applicants shall be required to complete, in accordance with the Council's decision and to the satisfaction of the City Engineer, all the street, sanitary, and other improvements as required in these regulations, specified in the preliminary plat, and as approved by the Council, and to dedicate same to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

166.21 PERFORMANCE BOND. The Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an alternative, the applicant post a bond at the time of application for final plat approval in an amount estimated by the Council as sufficient to secure to the City the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. In addition:

1. Approved by City Attorney. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
2. Completion Period. The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat shall be incorporated in the bond, and shall not exceed one year from date of final approval.
3. Extension of Completion Period. The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Commission may, upon proof of difficulty, recommend to the Council extension of the completion date set forth in such bond for a maximum period of one additional year. The Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond.
4. Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Council and shall maintain same for the period specified by the Council. Prior to

construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

5. Failure to Complete Improvement. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

166.22 INSPECTION OF IMPROVEMENTS. The Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the City an inspection fee equal to the actual cost of inspection. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than twenty-four (24) hours in advance of readiness for required inspections.

166.23 RELEASE OR REDUCTION OF PERFORMANCE BOND. The performance bond may not be released or reduced except as follows:

1. Certificate of Satisfactory Completion. The Council will not accept dedication of required improvements or release or reduce a performance bond until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed "as-built" plans of the subdivision indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.

2. Reduction of Performance Bond. A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat.

166.24 MAINTENANCE OF IMPROVEMENTS. Improvements shall be maintained and a maintenance bond provided as follows:

1. Maintenance of Improvements Before Acceptance. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Council. If there are any certificates of occupancy on a street not dedicated to the City, the City may on twelve (12) hours' notice plow the street or effect emergency repairs and charge same to applicant.
2. Maintenance Bond. The applicant shall be required to file a maintenance bond with the governing body, prior to dedication, in an amount considered adequate by the Council and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of two (2) years after the date of their acceptance by the governing body and dedication of same to the local government.

166.25 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS. Required improvements may be deferred or waived as follows:

1. Waiver of Required Improvements. The Council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgment are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
2. Deferral of Required Improvements. Whenever it is deemed necessary by the Council to defer the construction of any improvement required herein because of incompatible grades, future planning inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements to the City prior to the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

166.26 ISSUANCE OF CERTIFICATES OF OCCUPANCY. No certificate of occupancy shall be issued until the extent of street improvement is adequate for vehicular access by the prospective occupant and by police and fire equipment.

166.27 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by these regulations in accordance with the specifications and under the supervision of the Council and to its satisfaction.

166.28 DESIGN STANDARDS ARE MINIMUM. 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 the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

166.29 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the requirements established herein, all subdividers shall comply with the following laws, rules, and regulations.

1. State Statutes. All applicable statutes of the State of Iowa.
2. City Plans. Any comprehensive plan, public utilities plan, and capital improvements program of the City.
3. State Agency Rules. The requirements and rules of State agencies such as the State Department of Natural Resources, State Department of Health, and the State Department of Transportation, where applicable.
4. County Standards and Regulations. The standards and regulations of the County Board of Supervisors and County commissions, boards, and agencies where applicable.
5. City Standards and Regulations. The standards and regulations adopted by the Council, boards, commissions, and agencies of the City.
6. Plat Approval and Conformity. Plat approval may be withheld if a subdivision is not in conformance with the above guides, or policy and purposes of these regulations.

166.30 SUBDIVISION NAME. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Council, after consultation with the Commission, shall have the final authority to designate the name of the subdivision, which shall be determined at preliminary plat approval.

166.31 MONUMENTATION. Monuments shall be in conformance with the following requirements:

1. Establishment of Permanent Control Monuments. Prior to the offering of the plat of any subdivision for record, the surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at

least two (2) permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of the monument.

2. Other Monuments of Record. Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section.

3. Establishment and Recording of Other Monuments. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the surveyor includes in the certification of the plat that the additional monuments required by these regulations shall be established before a specified future date.

4. Additional Monuments Required. Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section, and shall be set all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:

- A. At every corner and angle point of every lot, block or parcel of land created.
- B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad, or other way.
- C. At every point of curve, tangency, reversed curve, or compounded curve on every right-of-way line established.

5. Placement of Monument. When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the

reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

166.32 CHARACTER OF THE LAND. Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding areas or both, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the Council, upon recommendation of the Commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

166.33 LOTS. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

1. Lot Size. Minimum lot dimensions and sizes shall conform to the requirements of the zoning regulations where applicable, but in no case shall a lot contain less than five thousand (5,000) square feet of area or be less than fifty (50) feet wide measured at the building line.

A. Residential lots where not served by public sewer shall be of sufficient size, as determined by the City and subject to any applicable State or County rules or regulations, to accommodate the type of private sewage disposal system proposed by the developer.

B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

C. Corner lots for residential use shall have an extra twenty (20) feet of width to permit appropriate building setback from and orientation to both streets.

2. Street Access. Each lot shall be provided with satisfactory access to a public street.

3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to

overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

4. Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

5. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

6. Building Lines. 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 Council may require building lines in accordance with the needs of each subdivision.

166.34 BLOCKS. Blocks shall conform to the following requirements:

1. Provision for Lots. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.

2. Design Considerations. The lengths, widths and shapes of blocks shall be determined with due regard to:

- A. Provision for adequate building sites.
- B. Zoning requirements where applicable.
- C. Topography.
- D. Needs for convenient access, circulation, control, and safety of street traffic.

3. Block Lengths. The lengths of blocks shall be appropriate to the type of development contemplated, but block lengths in residential developments shall not exceed two thousand (2,000) feet, or be less than five hundred (500) feet. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.

4. Easement Reservation. In blocks over eight hundred (800) feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities, or pedestrian traffic.

5. Pedestrian Crosswalks. Pedestrian crosswalks, not less than ten (10) feet wide, may be required by the Council through the center of

blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve percent (12%) in grade unless steps of an approved design are to be constructed.

166.35 STREETS – GENERAL REQUIREMENTS. Streets shall conform with the following general requirements:

1. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.

2. Grading and Improvement Plan. Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.

3. Topography and Arrangement. Streets shall be in conformance with the following requirements related to topography and arrangement:

A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.

C. All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

D. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

- F. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
4. Access to State or County Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.
5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:
- A. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.
- B. A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.
- C. A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.
6. Street Names. Streets that are in alignment with others already existing shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council and Commission.
7. Street Name Signs. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street name signs. The applicant shall deposit with the City at the time of final subdivision approval, the estimated cost of installation of each street sign required by the Council.
8. Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the Council.

9. Construction of Streets and Dead-end Streets. Streets and dead-end streets shall be in conformance with the following requirements:

A. Construction of Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

B. Permanent Dead-end Streets. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred fifty (150) feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

166.36 STREETS – DESIGN STANDARDS. The following design standards shall apply to the design of streets:

1. General. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties the following design standards for streets are hereby required:

A. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on municipal arterial and municipal collector streets, and seventy-five (75) feet on municipal service streets.

- B. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for municipal service and municipal collector streets, and of such greater radii as the Council shall determine for special cases.
- C. Minimum Roadway and Right-of-Way Standards:
- (1) Municipal arterial streets shall have a right-of-way width of not less than eighty (80) feet and a roadway width of not less than forty-four (44) feet.
 - (2) Municipal collector streets shall have a right-of-way width of not less than sixty (60) feet and a roadway width of not less than thirty-six (36) feet.
 - (3) Municipal service streets shall have a right-of-way width of not less than fifty (50) feet and a roadway width of not less than twenty-six (26) feet.
 - (4) Frontage streets shall have a right-of-way width of not less than forty (40) feet and a roadway width of not less than twenty-six (26) feet.
 - (5) Cul-de-sacs shall meet all the requirements for a municipal service street and, in addition, shall provide a turnaround with a right-of-way radius of fifty (50) feet and a roadway radius of forty (40) feet. No cul-de-sac shall exceed five hundred (500) feet in length.
- D. Street grades, wherever feasible shall not exceed the following:
- (1) Municipal arterial streets – 6%
 - (2) Municipal collector streets – 8%
 - (3) Municipal service streets – 10%
 - (4) Frontage streets – 6%
- E. All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty (20) times the algebraic difference in percents of grade.
- F. No street grade shall be less than one half of one percent.
2. Street Surfacing and Improvements. After sewer, water and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters

and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland concrete cement. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

3. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one.

4. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

A. In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: *This strip is reserved for screening. The placement of structures hereon is prohibited.*

B. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5. Intersections. The following standards shall apply to the design of intersections:

A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at

least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Council.

B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

C. Minimum curb radius at the intersection of two (2) municipal service streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a municipal collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

D. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having no greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

F. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

6. Bridges. Bridges of primary benefit to the applicant, as determined by the Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant, as determined by the Council, will be fixed by special agreement between the Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of the land developed and so served.

7. Alleys. The following design standards for alleys shall be required of all subdividers:

- A. Alleys are prohibited in residential districts.
- B. Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- C. Alleys shall have a right-of-way of not less than thirty (30) feet and a roadway width of not less than twenty (20) feet.
- D. Alley intersecting and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- E. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Council.

8. Street Dedications and Reservations. The following provisions apply to street dedications and reservations:

- A. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivider's own subdivision boundaries.
- B. Where a subdivision borders an existing narrow street or when City plans or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at the subdivider's expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at the subdivider's own expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

166.37 STORM SEWERS AND DRAINAGE. The following requirements shall apply to the provision of storm sewers and drainage:

1. General Requirements. The Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods as approved by the Council, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

2. Nature of Storm Water Facilities. The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

A. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Council. However, in subdivisions containing lots less than fifteen thousand (15,060) square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall.

B. If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangements for future storm water disposal by a public storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

C. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential

watershed development permitted by applicable zoning regulations.

D. The Council shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

E. The Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.

3. Dedication of Drainage Easements. The following shall apply to the dedication of drainage easements.

A. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. Drainage easements:

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Council.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the area requirement of any lot.

166.38 WATER FACILITIES. Water facilities shall be provided as follows:

1. General Requirements. The following general requirements apply to the provision of water facilities:

A. Where a public water main is accessible the subdivider shall install adequate water facilities, including fire hydrants, subject to City specifications. All water mains shall be at least six (6) inches in diameter.

B. Water main extensions shall be approved by the City.

C. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat.

2. Individual Wells and Central Water Systems. The following requirements shall apply to the provision of individual wells and central water systems.

A. In the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the appropriate County or State agency for testing, and individual wells and central water systems shall be approved by the appropriate County or State health authorities. Orders of approval shall be submitted to the Council.

- B. If the Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.
3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of this section. Fire hydrants shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structure and shall be approved by the City.

166.39 SEWAGE FACILITIES. Sewage facilities shall be provided as follows:

1. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City and the State Department of Natural Resources or State Department of Health. Plans shall be approved by the above agencies.
2. Construction of Sanitary Sewage Systems. Sanitary sewage systems shall be constructed as follows:
 - A. Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
 - B. Where public sanitary sewage systems are not reasonably accessible but will become available within a reasonable time, not to exceed fifteen (15) years, the applicant may choose one of the following alternatives:
 - (1) Install a central sewage system, operated and maintained by the benefited property owners. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.
 - (2) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street

line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

C. Where sanitary sewer systems are not reasonably accessible and will not become available for period in excess of fifteen (15) years, the applicant shall install individual disposal systems or central sewage systems.

3. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of applicable zoning regulations and these regulations. Percolation tests and test holes shall be made as directed by the City and the results submitted to the local board of health.

4. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

166.40 SIDEWALKS. The following requirements shall apply to the provision of sidewalks:

1. Location of Sidewalks. Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets.
2. Construction of Sidewalks. Sidewalks shall be improved as required in subsection 2 of Section 166.36 of these regulations.

166.41 UTILITIES. The following shall apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including, but not limited to gas, electric power, telephone, and CATV cables, be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

2. Easements. Easements shall be provided as follows:
 - A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
 - B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

166.42 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features which would add value to residential development or to the City as a whole, such as trees, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

166.43 NONRESIDENTIAL SUBDIVISIONS. The following provisions shall apply to nonresidential subdivisions:

1. General. If a proposed subdivision includes land that is used for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Council, and shall conform to the proposed land use and standards established in City plans and regulations.
2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

C. Special requirements may be imposed by the City with respect to street, curb, gutter, and sidewalk design and construction.

D. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.

E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

166.44 SCHOOL AND PARK RESERVATIONS. If land to be subdivided contains sites that are designated in City plans or plans of other public bodies to be used for schools or parks, the developer shall reserve such site for such use. If sites which have been reserved are not acquired by the City or other public body within two (2) years of the date of the preliminary plat approval, then such sites may be subdivided by the developer. The appropriate public body may release the reserved site sooner by certifying to the Council that it does not intend to acquire such site within the two (2) year period.

166.45 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION. Pursuant to Section 354.9 of the Code of Iowa, improvements in the two (2) mile unincorporated area under the jurisdiction of these regulations shall be the same as required herein, provided they are not less than that required by the applicable County subdivision regulations, and provided further that all construction plans shall be approved by the County, and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

166.46 VARIATIONS AND EXCEPTIONS. The following shall apply to the granting of variations and exceptions:

1. Hardships. Where the Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make

variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided, the Council shall not grant variations or exceptions to these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:

- A. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.
 - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - D. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
2. Conditions. In granting variations and exceptions the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
 3. Procedure for a Variance. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

166.47 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 or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law. Such proposed amendments shall first be submitted to the Commission for study and recommendation before the hearing is held. The Commission shall forward its recommendations to the Council within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment.

166.48 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City or within two (2) miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity

until it complies with the provision of these regulations, has been approved by the Council as herein set forth, and further:

1. Issuance of Building Permits. No more than two (2) building permits for each separate tract existing at the time of the effective date of these regulations shall be issued unless the tract has been platted in accordance with these regulations; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by applicable land use regulations such as zoning and restricted residence regulations or additions or improvements to a main or accessory building already legally located upon said tract.
2. Sale or Lease Without Plat. Any person who shall dispose of or offer for sale or lease any lots in the City or addition to the City, until the plat thereof has been acknowledged and recorded as provided in these regulations, shall forfeit and pay fifty dollars (\$50.00) for each lot and part of lot sold or disposed of, leased or offered for sale.

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