

ORDINANCE NO. 369

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
PRAIRIE CITY, IOWA, BY AMENDING/ REPLACING PROVISIONS PERTAINING
TO
SUBDIVISION REGULATIONS**

BE IT ENACTED by the City Council of the City of Prairie City, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 170 of the Code of Ordinances of the City of Prairie City, Iowa, is amended/replaced with:

170.01 TITLE.

This chapter may be known and cited as the Prairie City Subdivision Ordinance.

170.02 JURISDICTION.

No building or occupancy permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations set forth in this chapter.

170.03 DEFINITIONS.

For the purpose of this chapter certain terms and words are hereby defined. The word “shall” is mandatory, the word “may” is permissive; “should” means that which is recommended, but not required.

1. “Alley” means a public right-of-way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property.
2. “Administrator” means City Administrator or as otherwise directed by City Council.
3. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
4. “Building line” means a line on a plat between which line and a street no structure or building shall be erected.
5. “Commission” means the Planning and Zoning Commission.
6. “Comprehensive Plan” means the plan for the improvement and development of the City of Prairie City, Iowa, and adjoining areas as adopted by the City’s Planning and Zoning Commission and City Council in accordance with the laws of the State of Iowa and the Ordinances of the City, together with any and all amendments thereto.
7. “Collector streets” means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
8. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
9. “Days” refers to calendar days, unless specified.

10. “Developer” means the owner or agent under legal authority of the owner or owners of record, who undertakes to cause a parcel of land to be designed, constructed, and recorded as a subdivision. The term developer may also be known as a “subdivider” or as “applicant.”

11. “Development Standards” means the standard specifications and design formally adopted by the City Council. The standard specifications manual and design manual shall be the current edition of the Iowa Statewide Urban Design and Specifications (SUDAS) for Public Improvements, as amended and adopted by the City of Prairie City and any requirements within this chapter.

12. “Easement” means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures, but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to strip or remove trees that interfere with the use of such easements.

13. “Engineer” means the person or persons hired by the City, either full time or part time, with the authority to perform the official inspections, reviews, and other functions designated by the Council necessary for the enforcement of the regulations set forth in this chapter. This person shall be a registered engineer authorized to practice engineering, as defined by the registration act of the State of Iowa.

14. “Escrow agreement” means an agreement between the subdivider and the City whereby a percentage of the sale price of each lot in the subdivision when sold, shall be deposited in escrow as a guarantee for the installation of the required improvements, the percentage to be determined by the City Engineer or the City Council.

15. “Final plat” means a map or plan drawn to precise engineering accuracy and dimension showing the specific layout of the subdivision and including items set forth in these regulations, along with accompanying material for the purpose of recording as a subdivision of land.

16. “Flood plain” means that portion of the special flood hazard area that has a one percent or greater chance of being inundated by flood waters in any given year. It is coterminous with the (FP) flood plain district overlay zone by the City.

17. “Frontage street” means a street that is parallel to and adjacent to a major street or highway and which provides access to abutting properties and protection from through traffic.

18. “Improvements” means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

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

20. “Lot” means a portion of subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

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

22. "Major Street" means a street used primarily for fast, large volume traffic. Collector and Arterial streets are considered a "Major street".

23. "Minor street" means a street used primarily for access to abutting properties. Local streets are considered a "Minor street".

24. "Minor subdivision" means a subdivision that meets all of the conditions specified in Section 170.19 of these regulations.

25. "Performance bond" means a surety bond, cash deposit, or escrow agreement made out to the City in an amount not less than the full cost of the improvements which are required by this chapter, said cost being estimated by the City Engineer or City Council, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.

26. "Preliminary plat" means a map or plan showing all the facts needed to enable the Planning and Zoning Commission to determine whether the proposed layout of the land is satisfactory from the standpoint of public interest.

27. "Re-subdivision" means a change in the map of an approved or recorded subdivision plat if such change affects any street layout on such map or any area reserved for public use, any lot line, or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

28. "Roadway" means that portion of the street right-of-way available for vehicular traffic; and where curbs are laid, the portion from back to back of curbs.

29. "Street right-of-way" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designed as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

30. "Subdivider" means any person, firm, partnership, association, corporation, estate, trust, or any other group including any agent thereof or combination acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as defined herein, excluding the City of Prairie City.

31. "Subdivision" means any land or lot of record, vacant or improved, which is divided into five (5) or more lots, parcels, sites, units, plots, or interests for the purpose of sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of residential and nonresidential zoned lands, whether by deed, metes and bounds description, devise, lease, intestacy, will, map, plat, or other recorded instrument. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.

32. "Zoning ordinance" means the Zoning Ordinance of the City of Prairie City, Iowa, together with any and all amendments thereof, adopted by City Council.

170.04 PRE-APPLICATION CONFERENCE

Any developer wishing to subdivide a parcel of land shall contact the City and arrange for a planning conference with the City Administrator, Public Works Director, and City Engineer. This conference shall be for the purpose of determining the general requirements to be met in developing the subdivision. If the subdivision does not involve new streets or utilities, the pre-application conference may be waived. A sketch plan shall be submitted to the City a minimum of seven (7) days prior to the planning conference.

170.05 SKETCH PLAN

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

170.06 FINDINGS OF THE PRE-APPLICATION CONFERENCE

It shall be the responsibility of the subdivider to determine the areas of agreement among the conferees and the problems which must be explored further through individual conferences with departments charged with administering the provision of utilities, streets, drainage, and other public facilities. During the conference the general features to be required in the subdivision will be determined. All agreements arrived by the conferees shall be subject to ratification by the Planning Commission as a whole.

170.07 PRELIMINARY PLAT

After the subdivider has determined the general features to be required in the subdivision, the subdivider may proceed to cause a preliminary plat to be prepared of the subdivision in conformance with the provisions of this chapter and in conformance with the Comprehensive Plan.

170.08 APPLICATION.

An application as well as supplemental materials for a preliminary plat shall be submitted to the City Clerk at least three (3) weeks prior to the Planning and Zoning Commission meeting at which time the plat is to be heard. The following shall be submitted with the application:

1. Each application request for any purpose shall be accompanied by the fee specified by City Council resolution before it is accepted for filing and processing.
2. Two (2) 22" x 34" prints, one (1) 11" x 17" legible copy of the plat, and one (1) electronic version. In the case of a "phased" development, all phases must be included on the preliminary plat.
3. Statement listing all owners of record of the land being subdivided.
4. Statement listing all waivers being sought.
5. A list providing the property addresses, owners, and the mailing addresses of all properties within two-hundred (200) feet of the exterior boundaries of the plat, obtained from the Jasper County Recorder's Office.

6. Any other supplemental material as specified in this Ordinance or requested in the pre-application process.

170.09 REVIEW AND APPROVAL OF THE PRELIMINARY PLAT

1. Upon receipt of the application, the Clerk shall immediately transmit two (2) copies of the preliminary plat to the Planning and Zoning Commission and one (1) electronic copy of the plat to the following City departments and agencies for review, with a request for written comments within thirty (30) days:

- A. City Engineer.
- B. Public Works Department.
- C. City Attorney
- D. Fire Chief
- E. Police Chief
- F. Economic Development Commission
- G. Prairie City Postmaster
- H. Jasper County Auditor
- I. Waterworks Manager
- J. Building Official.
- K. Jasper County Zoning, if the plat is located outside the City's corporate limits.
- L. Jasper County Sanitarian, if septic system is proposed.
- M. PCM Community School District.
- N. Utility Companies.

The City departments and agencies shall review the final plat for accuracy and compliance with the preliminary plat regulations herein and other regulations that may apply.

2. The Commission shall consider the findings and recommendations of the reviewing agencies and examine the plat as to its compliance with this chapter and the Comprehensive Plan of the City. The Commission shall act on the preliminary plat for all phases of a development if "phased".

3. Before acting upon a preliminary plat, the Commission shall hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation within the City, seven (7) days prior to such hearing.

4. The Commission shall, within sixty (60) days after receipt of the plat, submit a recommendation to the Council provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days. Copies of the plat and recommendations shall be forwarded to the Council, and one copy placed in the Commission's files.

- A. The Commission action shall be expressed by a recommendation of approval or disapproval made to the City Council. An approval recommendation shall include stated conditions of such approval. A disapproval recommendation shall state the Commission's reason for disapproval. After the Commission's recommendation has been made, the preliminary plat (and, if "phased," all phases thereof) shall be forwarded to the City Council by the City Clerk.

170.10 FORM OF PRELIMINARY PLAT

The preliminary plat shall be clearly and legibly drawn at a scale of one (1) inch to fifty (50) feet or larger and plainly marked "preliminary plat" and shall show the following:

1. The proposed name of the subdivision and, if different, the title which the subdivision is as approved by the Auditor of Jasper County to be recorded under.
 2. The name and address of the owner and of the developer, and the name, address, and profession of the person preparing the plat.
 3. The date, scale and north point, and a key map showing the general location of the proposed subdivision in relation to the surrounding development.
 4. The legal description of the area being platted.
 5. The boundary line (accurate in scale), the dimensions, and location of the property to be platted and the location of section lines.
 6. Contours at intervals of not more than two (2) feet shall be required.
 7. The names and locations of adjacent subdivisions, the names of record owners and location, and names of owners of adjoining parcels of un-platted land.
 8. The location of property lines, streets, and alleys, railroads, drain tiles, easements, buildings, utilities, water-courses, tree masses, and other existing features affecting the plat.
 9. The location of existing sewers, water mains, culverts, or other underground structures, within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.
 10. The existing and proposed zoning classification and proposed use for the area being platted as well as the existing zoning classifications of surrounding properties.
 11. The layout, numbers, and approximate dimensions of proposed lots, including square foot area of non-rectangular lots, and indication of the proposed use of any and all lots.
 12. The layout of all existing and proposed building lines and easements.
 13. The location, width and dimensions of all streets, alleys, school sites, parks, and playgrounds proposed to be dedicated for public use, in accordance with the Comprehensive Plan and requirements of these regulations.
 14. Proposed names for all streets in the area being platted.
 15. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks, drainage structures, and other required improvements.
 16. The locations of the proposed water distribution system, sanitary sewers, and storm sewers showing pipe sizes, and the location of valves, fire hydrants, and fittings.
 17. Any restrictions proposed to be included in the owner's declaration of plat.
 18. A sketch plat of all contiguous holdings of the owner with an indication of the property that is proposed to be subdivided, accompanied by an affidavit of ownership, drawn to a scale of not more than two hundred (200) feet per inch. Said sketch plat shall show the subdivisions together with its proposed street system, and an indication of the probable future street and utility systems of the remaining portion of the tract.
- Any plat not containing all information specified shall not be considered by the Commission.

170.11 COUNCIL APPROVAL OF THE PRELIMINARY PLAT

1. The preliminary plat presented to the City Council shall be substantially identical to the plat acted upon by the Commission. It shall be the developer's responsibility to submit to the City Clerk ten (10) copies of said plat at least ten (10) days prior to the City

Council hearing on the preliminary plat. City Council approval of the preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted, and an authorization to proceed with the construction of the subdivision and preparation of the final plat subject to approval of detailed plans and specifications for improvements as set forth herein.

2. Approval of the preliminary plat shall not constitute authority to sell lots, record the plat, advertise the future or conditional sale of lots based on the preliminary plat, or authority to construct permanent buildings in reliance upon the preliminary plat layout.

3. The subdivision shall be constructed and the final plat prepared in conformity with the approved preliminary plat. Material deviation from such approved preliminary plat shall require resubmission for approval.

4. Approval of the preliminary plat, or the first part thereof if phased, shall become null and void unless the final plat is presented to the Commission within one year after the date of approval of the preliminary plat by the City Council. If the proposed preliminary plat is phased, the second phase of the preliminary plat will remain valid for only two years after the date of approval of the preliminary plat by the City Council and the balance of the remaining preliminary plat will remain valid for only three years after the date of the approval of the preliminary plat by the City Council. A one-year extension of the preliminary plat, or any part thereof if phased, may be granted by the City Council upon written request by the developer to the Administrator. If the developer applies for an extension of time for any part of a phased preliminary plat, which is subsequently granted by the City Council, the remaining phases shall automatically be extended. A developer shall apply only once for a one-year extension of the preliminary plat, whether or not the preliminary plat is phased. The developer, not the City, shall be responsible for ensuring compliance with the one-year time limit.

170.12 REVIEW AND APPROVAL OF IMPROVEMENT PLANS

After approval by the Council of the preliminary plat, the subdivider may proceed to prepare and submit plans, profiles, drainage reports, and specifications for improvements to the City for approval. Such plans, profiles, drainage reports, and specifications shall conform to the Development Standards and shall be in conformity with the approved preliminary plat. The City Engineer and Public Works Director shall give his or her approval in writing and no field changes shall be made without the approval of the City.

170.13 FORM OF IMPROVEMENT PLANS

1. The following shall be submitted for review by the City Engineer and shall be drawn to a horizontal scale of one (1) inch to twenty (20) feet or less, and a vertical scale of one (1) inch to twenty (20) feet or less. Specifications for the construction of the improvements for the subdivision shall also be submitted as required in this chapter. All elevations shall be referred to mean sea level.

A. Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one-hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all of said existing streets.

B. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, street lighting standards, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection sewers, storm water drains, and fire hydrants, showing connection to any existing proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures. The cross-sections shall be taken and platted at intervals of not more than fifty (50) feet along the centerline and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross-sections be extended less than the full width of the right-of-way.

C. Location, size, elevation, and other appropriate descriptions of any existing facilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, at the point of connecting to proposed facilities and utilities within the subdivision, and each tree with a diameter of six (6) inches or more, measured twelve (12) inches above ground level. The date of the survey, and the approximate high-and-low-water elevations of such lakes or streams. All elevations shall be referred to mean sea level. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways shall be shown.

D. Topography at the same scale as the plat with a contour interval of two (2) feet or less, referred to sea-level datum. All datum provided shall be latest applicable US Geodetic Survey datum and should be so noted on the plans.

E. Drainage plan & report meeting the requirements of the Development Standards.

F. Erosion control plan meeting the requirements of the Development Standards.

G. All design and specifications shall be as per the Development Standards and as per this code.

170.14 INSPECTION DURING CONSTRUCTION

The City shall cause inspections to occur during construction to insure their satisfactory completion in accordance with the Development Standards adopted by City Council.

1. General Procedure and Fees. The City Council shall provide for inspection of required improvements during construction and insure their satisfactory completion, the cost of which will be borne by the subdivider and shall be the actual cost of the observation to the City. 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 will coordinate inspections with the City Engineer. The cost of all necessary testing as specified in the Development Standards shall be borne by the subdivider. Inspection check points will be determined by the City and City Engineer prior to construction. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the approved Development Standards, the applicant shall be responsible for completing the improvements according to such Development Standards. Wherever the cost of improvements is covered by a performance bond, the bonding company and the applicant shall be severally and jointly

liable for completing the improvements in accordance with the Development Standards approved by the City Council.

- A. A complete set of as-built plans indicating locations of water, sewer, and storm sewer will be provided to the City and shall be prepared by the subdivider.

170.15 ACCEPTANCE OF IMPROVEMENTS

Before the Council will approve the final plat, all of the applicable improvements required in this chapter shall be constructed and accepted by formal resolution of the Council and to dedicate all public improvements to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated. Before passage of said resolution of acceptance, the City Engineer and Public Works Director shall submit a Certificate of Satisfactory Completion that said improvements meet all City Development Standards and ordinances or other City requirements and the agreements between the subdivider and the City.

1. Certificate of Satisfactory Completion. The City shall 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 or surveyor has, to the City Engineer, through submission of detailed "as-built" plan set and survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Commission, City Council, or City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title opinion has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

170.16 REVIEW AND APPROVAL OF THE FINAL PLAT

1. Within two (2) years of the approval by the Council of the preliminary plat, the subdivider shall file a final plat of the area covered by said preliminary plat in the office of the City Clerk for review and approval. Two (2) 22" x 34" prints of the plat, one (1) 11" x 17" legible copy, and one (1) electronic version of the plat shall be submitted. The final plat shall comply in all respects with the preliminary plat as approved. If a final plat is not filed within two (2) years of the aforesaid approval of the preliminary plat, the latter shall be subject to review, revision, or cancellation of approval by the Council.

2. Upon receipt of the final plat and supplemental data required in this chapter, the Clerk shall immediately transmit two (2) copies of the final plat to the Planning and Zoning Commission and one (1) electronic copy of the plat to the following City departments and agencies for review, with a request for written comments within seven (7) days:

- A. City Engineer.
- B. Public Works Department.
- C. City Attorney
- D. Fire Chief
- E. Police Chief
- F. Economic Development Commission

- G. Prairie City Postmaster
- H. Jasper County Auditor
- I. Waterworks Manager
- J. Building Official.
- K. Jasper County Zoning, if the plat is located outside the City's corporate limits.
- L. Jasper County Sanitarian, if septic system is proposed.
- M. PCM Community School District.
- N. Utility Companies.

The City departments and agencies shall review the final plat for accuracy and compliance with the preliminary plat regulations herein and other regulations that may apply.

3. The developer shall sign and file at the time of submission of final plat for review, a Development Agreement on a form approved by the City, providing certain representations and warranties, providing for consequences of failure to complete final plat as approved; providing for bonding information and restrictive covenants information and such other requirements provided by City by resolution.

4. The Clerk shall report, within the context of the Planning and Zoning Commission's staff report, a summary of the City departmental and agencies comments, or where appropriate, will attach each of the departmental comments to the Commission's staff report. After receiving the staff report, the Commission shall consider the final plat. The Commission shall examine the final plat and consider the following:

A. Conformity with the Comprehensive Plan, Zoning Ordinance, this chapter, and the preliminary plat.

B. Any recommendations of the Administrator and/or other reviewing agencies.

5. The Planning and Zoning Commission shall act on the final plat within forty-five (45) days after the date of submission thereof. The Commission's action shall be expressed by a recommendation of approval or disapproval made to the City Council. A disapproval recommendation shall state the Commission's reason for disapproval. After the Commission's recommendation has been made, the Commission shall forward the final plat to the City Council.

170.17 FORM OF FINAL PLAT.

The final plat shall be clearly and legibly drawn a scale of one (1) inch to fifty (50) feet or larger and on one (1) or more sheets whose maximum dimensions are 34" x 22" inches. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision. The final plat shall be reproducible and shall show:

1. The title under which the subdivision is to be recorded as approved by the Auditor.
2. The name or names of the owners and subdividers.
3. The date, scale, and north point.
4. The legal description of the area being platted.
5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional township lines.
6. Centerlines of all proposed and adjoining streets and alleys with their right-of-way and pavement widths, and names of such streets.
7. Lines of all lots with a simple method of numbering to identify all lots and blocks.

8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements.

9. Any and all dimensions necessary for accurate locations of the boundaries of the site to be developed and of all streets, alleys, lots, building lines setbacks, easements, and dedicated areas. These dimensions shall be given to the nearest one hundredth of a foot.

10. All radii, arcs and chords, points of tangency, central angles, and lengths of curves for all curvilinear streets and radii for rounded corners.

11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made.

12. All survey monuments and benchmarks, together with their description.

13. Private restrictive covenants and their period of existence, in form for recording.

14. The accurate outline, dimensions, and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

15. The following certificates:

A. 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.

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

C. 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.

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

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

F. The performance bond, if required, in form and content satisfactory to the City Attorney or an approved bonding company having the City of Prairie City as obligee and in an amount established by the City Council and which shall include a provision that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the City Council and shall include, as determined by the City Council but not be limited to, the performance of all required subdivision and off-site improvements, and improvements, and that all improvements and land included in

the irrevocable offer dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

G. In the event a performance bond is required, a development agreement shall accompany the plat on a form approved by the City stating terms and conditions of acceptance of final plat.

H. Written assurance from the public utility companies that necessary utilities will be installed as required by this chapter.

I. Certificate signed by a registered land surveyor, which contains the metes and bounds legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. Said Certificate shall state that a land survey has been made and that the monuments have been placed as shown on the plat.

J. Dedication form and certificate signed and acknowledged before a notary public by all parties having any recorded interest in the land subdivided, consenting to the plat including dedication of all streets, alleys, and public ways and dedication of parks or other public grounds, and granting any necessary or required easements.

K. A signed certificate by the City Engineer stating that all required public improvements have been completed according to the construction plans submitted to the City as well as meeting or exceeding accepted engineering design practices and were built to City specifications. The certificate is only required when public improvements are required. The certificate cannot be issued until the improvements are completed.

L. A cross section and profile of streets approved by the City Engineer. The profiles shall be drawn to City standard scales and elevations shall be based on datum plan approved by the City Engineer. The location, size, and grade of all conduits, sewers, pipelines, and similar devices to be placed under the streets and alleys shall be shown in the profile and cross sections where they occur.

M. A grading plan showing areas of excavation, earthwork and soil erosion control methods which will be practiced, and quantities involved in the soil erosion control methods.

N. Certificate for the recommended approval and acceptance of the Planning and Zoning Commission to be signed by the Chairperson and Secretary.

O. Any variances, waivers, or special notations that pertain to the subdivision plat.

16. Endorsement of Health Authorities. The City Council may require that the final subdivision plat be inspected by the County Sanitation Department with respect to all sewer and water facilities, and said facilities shall comply with all rules, regulations, and requirements of local, State, and Federal authorities.

170.18 COUNCIL APPROVAL OF THE FINAL PLAT

1. Before the City Council approves the final plat, all of the applicable improvements required in this chapter shall be constructed and accepted by formal resolution of the Council and all public improvements shall be dedicated to the City, free and clear of all liens and encumbrances on the property and public improvements thus indicated. As-built construction plans shall be furnished (physical hard copy and an electronic version), maintenance bonds shall be posted and the improvements inspected by the City Engineer, who submits a statement that all improvements have been completed in conformance to City specifications. If the developer asks for approval of the final plat before all of the

required improvements are constructed, maintenance bonds posted and the improvements inspected by the City Engineer, a performance bond shall be posted for all of the required improvements until the improvements are inspected by the City Engineer, as-built construction plans furnished (physical hard copy and an electronic version), maintenance bonds posted and a statement that all improvements have been completed in conformance to City specifications is submitted by the City Engineer.

2. The final plat presented to the City Council shall be identical to the plat acted upon by the Commission. It shall be the developer's responsibility to submit to the City Clerk ten (10) copies of said plat at least ten (10) days prior to the City Council hearing of this final plat. Upon approval of the final plat by the City Council, a certificate of approval shall be signed by the Chairperson and Secretary of the Commission, Mayor, and City Clerk. Where the subdivision is located outside the City's corporate limits signatures shall also include the Chairperson of the Jasper County Board of Supervisors.

3. Upon completion of City Council approval, the developer shall furnish the final plat as follows: three (3) electronic version, record three (3) 22" x 34" prints and three (3) 11" x 17" prints with original signatures on the plat with the following offices:

A. One (1) 22" x 34" print and one (1) electronic version with the Engineering Department.

B. One (1) 22" x 34" print and one (1) electronic version with the Jasper County Recorder.

C. One (1) print can remain in the developer's possession.

D. Three (3) 11" x 17" prints, one (1) with the County Assessor, one (1) with the County Auditor, and one (1) print and one (1) electronic version, for GIS updates, with the County Zoning Office.

4. Approval of the final plat shall become null and void ninety (90) days from the date of City Council approval, if the developer does not file the final plat with the County Recorder as provided above. It shall be the responsibility of the developer to furnish the City Administrator documentation of compliance within the ninety (90) day period. One extension may be granted for a thirty (30) day period, by the City Council upon written request of the developer and submittal of the required fee to the City Administrator.

170.19 MINOR SUBDIVISIONS.

1. Purpose and Intent. The purpose of this section is to simplify the approval procedures in those subdivisions for which all required public improvements are in place. The purpose of the minor subdivision is to waive the preliminary plat procedure when the conditions in subsection 2 below have been met.

2. Minor Subdivisions Defined. For purposes of this chapter, the developer may be eligible to seek subdivision approval as a minor subdivision if all of the following conditions are met:

A. All of the lots of the subdivision abut an existing dedicated public road, highway, or street.

B. No new street, public or private, within the subdivision is proposed, nor is any new street, public or private, required by the City in order to assure adequate access to an existing public road, highway, or street from any of the lots of the subdivision.

C. All City service systems and public improvements are already extended so that each system is readily accessible for direct and individual service connection thereto from each lot in the subdivision.

3. Minor Subdivision Procedures. Upon the determination of the City's Planning and Zoning Commission that the proposed subdivision meets the conditions as specified subsection 2 above, a developer may be permitted to proceed with a minor subdivision.

4. Minor Subdivision Application. An application for minor subdivision shall be submitted to the City Clerk at least three (3) weeks prior to the Planning and Zoning Commission's meeting at which the plat is to be heard. The following shall be submitted with the application:

A. Application Fee.

B. Two (2) 22" x 34" prints of the plat.

C. Three (3) 11" x 17" copies of the plat.

D. One (1) electronic version of the plat.

E. Statement listing all owners of record of the land being platted.

F. A list providing the property address, owner, and mailing address of all properties within two hundred (200) feet of the exterior boundaries of the plat, obtained from an appropriate County office.

G. Any other supplemental material as specified in this chapter.

5. Application Acceptance or Refusal. Upon submittal of the application for minor subdivision plat, the Clerk shall immediately transmit two (2) prints and one (1) electronic version of the plat to the Planning and Zoning Commission which shall review the application to ensure all data required has been provided. Specifically, the Planning and Zoning Commission may refuse to process a minor subdivision plat if one or more of the following conditions are present:

A. The proposed lots violate the City Zoning or Subdivision Ordinance.

B. The plat would require the dedication or vacation of any public right-of-way.

C. The plat would require the vacation of any necessary easements.

D. In the opinion of the Planning and Zoning Commission, additional public right-of-way should be dedicated.

E. In the opinion of the Planning and Zoning Commission, the plat does not conform to the Comprehensive Plan or other plans for the area.

F. If any of the above conditions are found and the developer wishes to proceed to subdivide, the plat shall follow the full platting procedure requirements of this chapter.

6. Planning Review. Upon acceptance of the application by the Planning and Zoning Commission, the Clerk shall immediately transmit one (1) electronic copy of the plat to the following City departments and agencies for review, with a request for written comments in seven (7) days:

A. City Engineer.

B. Public Works Department.

C. City Attorney

D. Fire Chief

E. Police Chief

F. Economic Development Commission

G. Prairie City Postmaster

H. Jasper County Auditor

- I. Waterworks Manager
- J. Building Official.
- K. Jasper County Zoning, if the plat is located outside the City's corporate limits.
- L. Jasper County Sanitarian, if septic system is proposed.
- M. PCM Community School District.
- N. Utility Companies.

The City departments and agencies shall review the final plat for accuracy and compliance with the preliminary plat regulations herein and other regulations that may apply.

7. The City departments and agencies shall review the minor subdivision plat for accuracy and compliance with the regulations and conditions herein and other regulations that may apply, and submit, in writing, any comments to the Planning and Zoning Commission.

8. Planning and Zoning Commission Review. The minor subdivision plat and agency comments shall be reviewed by the Planning and Zoning Commission in accordance with the Planning and Zoning Commission's review of a final plat in charge of this chapter.

9. Planning and Zoning Commission Action. The Planning and Zoning Commission shall act on the minor subdivision plat in accordance with the Planning and Zoning Commission's action of a final plat in charge of this chapter.

10. City Council Action. The minor subdivision plat presented to the City Council shall be identical to the plat acted upon by the Planning and Zoning Commission. It shall be the developer's responsibility to submit to the City Clerk's department, ten (10) 11" x 17" copies and one (1) electronic version of said plat at least ten (10) days prior to the City Council hearing of the minor subdivision plat. Upon approval of the minor subdivision plat by the City Council, a certificate of recommended approval by the Planning and Zoning Commission and approval by the Mayor and City Council, shall be signed by the Chairperson and Secretary of the Planning and Zoning Commission, Mayor, and City Clerk.

11. Approved Minor Subdivision Plat Recording. The minor subdivision plat shall be recorded in accordance with this chapter.

12. Minor Subdivision Plat Time Limit. Minor subdivision plats shall become null and void in accordance with this chapter, unless an extension is granted as per said section.

13. Minor Subdivision Plat Information. The minor subdivision plat shall be prepared in accordance with this chapter.

170.20 VACATION OF PLATS.

The proprietors of lots within an official plat who wish to vacate any portion of the official plat shall file a petition for vacation with the City Clerk. After the petition has been filed, the Planning and Zoning Commission shall fix the time and place for public hearing on the petition. Upon approval by the Planning and Zoning Commission, the City Council shall fix the time and place of public hearing on the petition. Written notice of the proposed vacation shall be served in the manner of original notices as provided in Iowa Rules of Civil Procedure and be served upon proprietors and mortgagees within the official plat that are within three hundred (300) feet of the area to be vacated. If a portion of the official plat adjoins a river or State-owned lake, the Iowa Department of Natural

Resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen (14) days between publications, stating the date, time, and place of hearing.

1. Required Documents. The official plat or portion of the official plat can be vacated upon recording of all of the following documents:

A. An instrument signed, executed, and acknowledged by all the proprietors and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each proprietor along with an accurate description to be used to describe the land after the lots are vacated.

B. A resolution by the City Council, after appraisal by the Planning and Zoning Commission, approving the vacation and providing for the conveyance of those areas included in the vacation that were previously set aside or dedicated for public use.

C. A certificate of the Auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

2. Public Highways. No part of this section authorizes the closing or obstructing of public highways.

3. Vacation of Streets or Other Public Lands.

A. The City may vacate part of an official plat that had been conveyed to the City that is deemed by the governing body to be of no benefit to the public.

B. The City shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded. The City may convey the vacated property by deed or may convey the property to adjoining proprietors through the vacation instrument. If the vacating instrument is used to convey property then the instrument shall include a list of adjoining proprietors to whom the vacated property is being conveyed along with the corresponding description of each parcel being conveyed. A recorded vacation instrument that conforms to this Section is equivalent to a deed of conveyance, and the instrument shall be filed and indexed as a conveyance by the Recorder and Auditor.

C. A vacation instrument recorded pursuant to this section shall not operate to annul any part of an official plat except as provided for in this subsection.

170.21 BUILDING PERMIT ISSUANCE AND CERTIFICATE OF OCCUPANCY.

1. Building permits will not be issued to allow construction on lots fronting platted streets until all adjacent dedicated public improvements are in place and ready for connection thereto, and the final plat has been recorded in conformance with this article.

2. The following is at the discretion of City Council and only if the extent of street improvements is adequate for vehicular access by the prospective occupant, by police, and fire equipment. Building permits may be issued prior to all public improvements being completed as required by the City Council; however, no building permit shall be issued for the final ten (10) percent of lots in a subdivision or for the final five (5) lots of a subdivision, whichever is greater, until all public improvements required by the City Council for the plat have been fully completed and dedicated to the City of Prairie City. No certificate of occupancy shall be issued until all public improvements required by the City Council for the plat have been fully completed and dedicated to the City of Prairie City.

170.22 PERFORMANCE BOND.

1. The City Council at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat, and that, as an alternative, the applicant post a bond at the time of application for final subdivision plat approval in an amount estimated by the City Council as sufficient to secure to the City the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. The performance bond shall also secure all lot improvements on individual lots of the subdivision as required in these regulations.

2. The performance bond shall name the City as obligee and shall be written upon an approved bonding company by an authorized representative of the bonding company. 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. The period within which required improvements must be completed shall be specified by the City Council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of approval of the final plat. The City Council, may, upon proof of difficulty, extend the completion date set forth in such bond for a maximum period of one (1) additional year. The Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Commission. In the event the improvements are not completed within the periods specified above, the City of Prairie City may pursue any and all remedies available by law including but not limited to collection on the bond.

3. The performance bond shall include an amount to guarantee completion of all required lot improvements, including but not limited to, soil preservation, final grading, lot drainage, lawn grass seeding or sodding, shade tree planting, removal of debris and waste, fencing and any other lot improvements required by the City Council.

170.23 REDUCTION OR RELEASE OF PERFORMANCE BOND.

Return of the performance bond to the subdivider by the City Council shall be subject to the conditions set forth below.

1. Reduction of Performance Bond.

A. Reduction of Performance Bond. A performance bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvement for the plat. In no event shall a performance bond be reduced below twenty-five (25) percent of the principal amount.

2. Release of Performance Bond

A. Prior to the release of the performance guarantee, the subdivider shall file with the City a maintenance bond, to be approved by the City Council on an approved bonding company in a form satisfactory to the City Attorney naming the City of Prairie City as obligee, conditioned that the subdivider shall maintain such improvements in good repair for the periods specified by this chapter.

170.24 GOVERNMENTAL UNITS.

Governmental units to which these bonds and contract provisions apply may file in lieu of said contract of bond a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with the provisions of this chapter.

170.25 ACCEPTANCE OF DEDICATION OFFERS.

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by resolution of the City Council. The approval by the City Council of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of Prairie City of any street, easement, or park shown on said plat. The City Council may require said plat to be endorsed with appropriate notes to this effect.

170.26 ESCROW DEPOSITS FOR LOT IMPROVEMENTS.

1. Acceptance of Escrow Funds. Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Administrator may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the City Engineer for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

2. Procedures on Escrow Fund. All required improvements, for which escrow monies have been accepted by the Administrator at the time of issuance of a certificate of occupancy, shall be installed by the developer within a period of time of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been properly installed at the end of the time period, the Administrator shall give two (2) weeks' written notice to the developer requiring the developer to install same in the event that same are not installed properly in the discretion of the Administrator. The Administrator may request the City Council to authorize to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Administrator, the applicant shall obtain and file with the Administrator prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the City of Prairie City to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the developer.

170.27 MAINTENANCE OF IMPROVEMENTS.

1. 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 City of Prairie City. If there are any occupant permits on a street not dedicated to the City, the City may on twelve (12) hours' notice plow the street or effect emergency repairs and charge same to applicant.

2. The applicant shall be required to file a maintenance bond with the City Council, prior to dedication in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of time in accordance with the schedule below. Said time shall run from the date of their acceptance by the City Council and dedication of same to the City.

3. The Maintenance Bond shall name the City as obligee, shall be written upon an approved bonding company by an authorized representative of the bonding company.

Pavements - 4 years

Storm sewer/secondary storm sewer - 4 years

Sidewalks - 4 years

Water mains and apparatus - 2 years

Sanitary sewer and apparatus - 2 years

4. The Council may require that shade trees be maintained through one growing season prior to their acceptance.

170.28 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS.

1. The City 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 interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Whenever it is deemed necessary by the City 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 their share of the costs of the future improvements to the City prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City. Said bond must meet the requirements for a maintenance bond shown in Section 170.27 above.

170.29 FAILURE TO COMPLETE IMPROVEMENT.

For subdivisions for which no performance bond has been posted, or where, for whatever reason, the bonding company refuses to pay a claim on said bond, if the improvements are not completed within the period specified by the City 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 of Prairie City shall be entitled to any and all remedies provided by contract and by law including but not limited to: requiring that all improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default, vacation of the plat or any portion hereof, and suit against developer for money judgments.

170.30 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive shall control.

170.31 REQUIREMENTS FOR IMPROVEMENTS.

In addition to the standards set forth in this chapter, all improvements shall be designed and constructed to at least meet the Development Standards as defined in this chapter and as amended and adopted by the City of Prairie City, hereby incorporated by reference and made part of this chapter and shall be completed by the subdivider prior to final plat approval, or completed under performance bond.

170.32 COSTS OF IMPROVEMENTS.

All required improvements shall be made by the applicant, at their expense, without reimbursement by the City of Prairie City, except as provided in the Prairie City Urban Renewal Area Ordinance, pursuant to Section 403.19 of the *Code of Iowa*.

170.33 TEMPORARY IMPROVEMENT.

The applicant shall build and pay for all costs of temporary improvement required by the Commission and/or City Council and shall maintain same for the period specified by the Commission and Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City of Prairie City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

170.34 MONUMENTS.

The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by a Registered Land Surveyor.

1. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve, and block corners. They shall be spaced so as to be within sight of each other, the sight lines generally being contained wholly within the street limits.

2. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, and other durable, metallic, material securely embedded; or by iron rods or pipes at least thirty (30) inches long and two (2) inches in diameter. All monuments shall provide magnetic attraction for location by a metal detector. These monuments shall be placed not more than one-thousand four hundred (1,400) feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

3. All internal boundaries and those corners and points not referred to in the preceding paragraph, shall be monumented in a field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, and at all angle points in any line.

4. The lines of lots that extend to streams shall be monumented in the field by iron pipes at least thirty (30) inches long and seven-eighths (7/8) inch in diameter or by round or square iron bars at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the stream lot line with a meander line established not less than twenty (20) feet back from the bank of the stream.

5. All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost.

6. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to approval of the final plat.

170.35 BLOCKS.

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

2. The lengths, widths, and shapes of blocks shall be such as are appropriate so as to serve cross traffic adequately and to meet existing streets and customary subdivision practice in the immediate area, and the type of development contemplated. Block lengths in residential areas shall not exceed one thousand three hundred twenty (1,320) feet, or be less than three hundred (300) feet in length. Block lengths longer than six hundred (600) feet should be avoided in business districts. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Commission for prospective use.

3. In long blocks the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic may be required.

4. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

170.36 LOT DESIGN.

1. Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from an approved street.

2. Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

3. Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

4. Access from Arterial and Collector Streets. Lots should not, in general, derive access exclusively from a collector or arterial street. Where driveway access from such

streets may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on collector or arterial streets.

170.37 DESIGN STANDARDS FOR STREETS

1. Roads shall be graded to conform to the Development Standards as defined in this chapter.

2. Topography and Arrangements.

A. Roads shall be related appropriately to the topography. Local roads should be curved wherever possible to avoid conformity of lot appearance. 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. (See Development Standards as defined in this).

B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way as established by the Comprehensive Plan.

C. All streets 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 use.

D. Minor or local streets should be laid out to discourage use by through traffic and to permit efficient drainage and utility systems. The use of curvilinear streets, cul-de-sacs, and loop streets, shall be encouraged where such use will result in a more desirable layout.

E. In business and industrial developments, the streets and other access ways 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.

3. 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, for efficient provision of utilities, and where such a continuation is in accordance with the Comprehensive Plan.

A. If the adjacent property is undeveloped and the streets must be dead-end streets temporarily, the right-of-way shall be extended to the property line. A temporary T, or L-shaped turn-about 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 Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations. The size of these temporary turn-about shall be as per the City Agencies.

B. Temporary turn-about shall be paved. Granular temporary turn-about shall not be allowed.

C. Temporary dead-end streets shall not exceed one thousand (1,000) feet in length or serve more than twenty-five (25) dwelling units, and shall be provided with a temporary turnabout.

4. Where a cul-de-sac is permitted, its terminus shall normally not be nearer to the boundary of the subdivision than the minimum lot depth required of the Zoning area in which it is located. The Commission may require the reservation of an appropriate easement at the closed end of the cul-de-sac to accommodate drainage facilities, pedestrian traffic, and/or utilities. Minimum turnaround radii and maximum length shall be limited as provided in this chapter.

5. Permanent cul-de-sacs may be permitted if such arrangement will improve the subdivision design, but shall in no case exceed five hundred (500) feet in length or serve more than fourteen (14) dwelling units. Minimum pavement width shall be thirty-one (31) feet measured from back of curb to back of curb. A circular turnaround shall be provided having a minimum right-of-way radius of fifty-five (55) feet and a minimum pavement curb radius of forty-five (45) feet measured at the back of curb.

6. Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Commission 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.

7. New Perimeter Streets. Street systems shall be laid out so as to avoid perimeter half-streets. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within their own subdivision boundaries.

8. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

9. Where a subdivision borders an existing narrow road or when the Comprehensive Plan indicates 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 dedicate such areas as are required for widening or realignment of such roads. The City Council may at its discretion require that such streets also be improved by the subdivider at the subdivider's own expense to the full width as required by these subdivision regulations. Land reserve for any road purposes shall not be counted in satisfying yard or area requirements of the Zoning Ordinance.

10. Alleys may be required in business and industrial subdivisions for adequate access to block interiors and to off-street loading and parking spaces, but shall as a rule, not be permitted in residential subdivisions.

11. Where a subdivision borders on or contains an existing or proposed arterial street, the Commission may require that access to such streets be limited by one of the following means:

A. The subdivision of lots so as to back onto the arterial and front onto a parallel local 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, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing on the major arterial.

C. A marginal access or service road (separated from the arterial street by a planting or grass strip and having access thereto at suitable points.)

12. Railroad rights-of-ways 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 by business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites.

C. Streets parallel to the railroad when intersecting a street that 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.

13. Bridges of primary benefit to the subdivider, as determined by the City 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 City Council will be fixed by special agreement between the City Council and the subdivider pro rata as the percentage of their land developed and so served.

14. Street names shall be determined by the City and should be sufficiently different in sound and spelling from other street names in the City so as not to cause confusion. A road, which is or is planned as a continuation of an existing road, shall bear the same name.

15. The applicant shall provide, at the applicant's own expense, road regulatory signs required by the City Engineer at all road intersections. The subdivider shall install all road signs before issuance of certificates of occupancy for any residence on the street approved.

16. Street name signs shall be provided, at the subdivider's expense, at all intersections within or abutting the subdivision. The type and location of said signs shall be recommended by the City Engineer and approved by the City Council.

17. Street lights shall be installed, at the subdivider's expense, in accordance with the Development Standards and recommended by the City Engineer and approved by the City Council.

18. Street right-of-ways shall have a minimum width of sixty-six (66) feet for major streets and sixty-six (66) feet for minor streets unless otherwise specified in the Comprehensive Plan or as directed by the City Council.

19. All roadways to be dedicated to the City shall be hot-mix asphalt streets with Portland Cement Concrete (PCC) curb and gutter or Portland Cement Concrete (PCC) with integral PCC curb and gutter.

20. Streets shall be a minimum of six (6) inches thick PCC with six (6) inches of granular material subbase or the asphalt equivalent unless otherwise directed by the City Engineer or site conditions.

21. Minimum pavement width for local streets shall generally be twenty-seven (27) feet measured from the back of curb to the back of curb, but pavement widths of thirty-six (36) feet may be required by the City Council where such additional width is deemed to be in the public's interest. Hard surfaced widths shall be as provided by the Comprehensive Plan and approved by the City Council for collector and arterial streets.

22. 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 there from. Not more than two streets shall intersect at any one point unless specifically approved by the City Council.

B. Proposed new intersections along one side of any existing street should, 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 specifically approved by the City Council. Where any major street is intersected by any other street, the alignment of said intersecting street shall generally be continuous.

C. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and shall be twenty-five (25) feet wherever possible; and minimum curb radius at an intersection involving a collector or arterial street shall be at least twenty-five (25) feet; provided that at any intersection where a curb radius has been previously established, such radius shall be used as standard. Alley intersections and 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 and shall meet the Development Standards.

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 provide an adequate sight distance as specified in the Development Standards approved in this chapter.

170.38 DRAINAGE AND STORM SEWERS.

No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

1. General Requirements.

A. The City Council shall not approve any plat or subdivision that does not make adequate provision for drainage of storm or floodwater runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed according to the Development Standards, and a copy of design computations shall be submitted along with plans. Surface water drainage patterns shall be shown for each and every lot and block.

B. The applicant may be required by the City 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 constructed in accordance with the Development Standards.

C. Underground storm sewer system shall be constructed throughout the subdivision and connected to an existing storm sewer if feasible. If no suitable outlets are available within a reasonable distance but a public storm sewer will be provided eventually, as determined by the City Engineer and the City Council, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be included in the performance bond or escrow agreement required for the subdivision plat. The subdivider shall also provide a suitable interim outfall or drainage system as approved by the City Council.

D. The storm design, frequency and duration used in computations shall be as per the Development Standards or as recommended by the City Engineer.

2. All streets shall have longitudinal subdrains installed on both sides of the street as per the Development Standards and in locations as recommended by the City Engineer.

3. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility should in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall determine the necessary size of the facility, based on the provision of the Development Standards assuming conditions of maximum potential watershed development as established by land uses projected in the Comprehensive Plan, and as permitted by the zoning regulations applicable to such land uses and shall be reviewed by the City Engineer.

4. Effect on Downstream Drainage Areas. The developer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision and shall be reviewed by the City Engineer. Local government 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 City Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the City Council may determine.

5. Dedication of Drainage Easements.

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

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

D. The City Council may require dedication to the City, 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 Planning and Zoning Commission or the City Engineer, if such dedication is deemed necessary to assure preservation of said watercourses, drainage ways, channels, or streams.

E. 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 number of lots to be utilized for planned unit development nor for computing the area requirement of any lot.

170.39 WATER FACILITIES.

1. Public Water.

A. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) in accordance with the Development Standards. All water mains shall be at least eight (8) inches in diameter, and shall be properly valved and looped where feasible to insure adequate water pressure.

B. To facilitate the above, the location of all fire hydrants, all water supply improvements and all developments proposed to be served shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.

2. Individual Wells and Central Water Systems.

A. In low-density zoning districts, in the discretion of the City 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 Health Department for its approval. Individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the City Council.

B. If the City 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 in form and substance provided for performance bonds generally may be required to insure compliance.

3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those with approved individual wells. Fire hydrants shall be located as per the Development Standards and approved by the City Council, after recommendation from the City Engineer and Prairie City Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat.

170.40 SANITARY SEWER FACILITIES.

Sanitary sewer facilities shall be provided by the subdivider for each lot in accordance with the general regulations listed below and with the Development Standards. Where a

public sanitary sewerage system is reasonably accessible, the subdivider shall connect and provide sewers accessible to each lot in the subdivision. Design criteria for slope, size, manhole locations, manhole and pipe elevations, materials, construction techniques, and other considerations shall be reviewed by the City Engineer and shall be consistent with the Development Standards.

1. Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow.

2. Sewers shall generally be located within street or alley rights-of-way unless topography dictates otherwise. Where sewers are located in easements on private property, access shall be provided to all manholes.

3. Adequate provisions shall be made to prevent any sewage from entering any source of potable water.

4. Storm sewage, foundation drains, roof drains, and similar installations shall not be connected to the sanitary sewer system.

170.41 FRANCHISE UTILITIES.

The City Council may require all franchise utilities facilities, including but not limited to gas, electrical lines of nominal voltage not in excess of 15,000 volts, telephone, fiber optic, and CATV cables, to be located underground throughout the subdivision. Wherever existing utilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed and their easements throughout the subdivision shall be shown on the plat. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed prior to the improvement of any such street, alley, or right-of-way. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters, and meter boxes may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Council and Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical. Easements for utilities (private and public) may be required along rear or side lot lines where deemed necessary. Such easements shall be at least ten (10) feet wide.

170.42 SIDEWALKS.

1. Sidewalks shall be required along both sides of any street being dedicated for public use. Sidewalks shall be five (5) feet wide when located along a local street, and may be required to be five feet (5) wide or more when along any collector or arterial street. Sidewalks shall be Portland cement concrete and be a minimum of four (4) inches thick, except where crossing driveways or at curb ramp locations, where they shall be six (6) inches thick. Said walks shall be located one (1) foot inside the street right-of-way line and shall be constructed according to the Development Standards.

2. The Commission or Council may require, in order to facilitate pedestrian access from the roads to schools, parks, playground, or other nearby roads, perpetual unobstructed easements or dedicated rights-of-way at least ten (10) feet in width for provision of sidewalks. Such easements or rights-of-way shall be indicated on the plat.

170.43 DRIVEWAYS.

Driveways shall be paved Portland cement concrete (PCC) from the traveled portion of the street to the property line and shall be installed when the lot is developed. Maximum and minimum driveway widths shall be as per the Development Standards unless otherwise approved by City Council. Driveways shall be a minimum of six (6) inches thick PCC. Driveway flares shall be as per the Development Standards.

170.44 DEBRIS AND WASTE.

No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of an occupancy permit and removal of same shall be required prior to issuance of any occupancy permit on a subdivision. Nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

170.45 SOIL PRESERVATION, GRADING AND SEEDING.

1. Soil Preservation and Final Grading. No certificate of occupancy shall be issued for any one lot until final grading of said lot has been completed, consistent with the Development Standards.

2. 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.

170.46 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features that would add value to residential development or to the City as a whole, such as trees, watercourses, historic spots, and semi 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 welled and protected against change of grade. The preliminary plat shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention.

170.47 MAIL SERVICE.

Each subdivision shall be designed to accommodate mobile U.S. Postal Mail service. The developer shall furnish and install mail units as required by the U.S. Post Office. The design and location of mail service shall be submitted to the local U.S. Post Office and the City for approval.

170.48 DEDICATION AND RESERVATION OF LAND FOR OPEN SPACE AND RECREATIONAL FACILITIES.

In order to provide for the proper location and preservation of adequate open spaces and sites for public uses, to safeguard the health, safety, and welfare of the public by providing safe places for children to play and for adequate recreational areas within new subdivisions and developments in the City; and to most equitably apportion the cost of providing the public school, park, and recreational sites and facilities necessary to serve the additional number of people brought into the community by subdivision development on the basis of the additional need created by such developments, the following provisions are established.

1. Procedure.

A. Consideration shall be given in the design of a residential subdivision plat to the provision of adequate and suitable open space and recreation areas for use by the inhabitants of the subdivision. The owner or subdivider of the land to be subdivided, at the time of filing a preliminary plat with the City Clerk for consideration by the Planning and Zoning Commission, shall indicate whether they desire to dedicate or reserve property for open space and recreational purposes, or whether they desire to pay a fee in lieu thereof. If the owner or subdivider desires to dedicate or reserve land for this purpose, they shall designate the area thereof on the preliminary plat as submitted.

B. The Commission and Council shall review such plat, and where the Commission and Council determine pursuant to paragraph 4 of this section that open space and recreational areas are necessary and required and are feasible and compatible with the comprehensive plan for development of the City, the subdivider shall provide and dedicate to the public adequate land to provide for said open space and recreational needs of the subdivision.

C. Where such dedication is not feasible or compatible with the Comprehensive Plan as determined by the City Council upon recommendation by the Commission, the subdivider shall, in lieu thereof, pay to the City a fee or combination of fee and land, equivalent to the value of the required dedication as provided by paragraph 2(B) of this section.

D. Such dedication or payment of fees in lieu thereof shall be made as condition of final plat approval and shall be accomplished prior to endorsement of the final plat and recording of same. Where dedication is required, it shall be accomplished by providing abstract of title to the dedicated property to the City Attorney for examination, and if, upon examination of the abstract and finding of marketable title by the City Attorney, free of all liens and encumbrances, the developer shall provide to the City Council a properly executed warranty deed dedicating the required land to the City without cost to the City. Where fees in lieu of dedication are required, the same shall be deposited with the City Clerk for deposit in a special fund as provided by paragraph 2(B) of this section.

2. Amount of Dedication. Dedication of land or payment of fees in lieu thereof for public open space and recreational facilities shall be required for all residential subdivision, but shall not be required for any agricultural, commercial, or industrial subdivision. The provisions of the section are minimum standards and shall not be construed as prohibiting a developer from dedicating or reserving other land for recreational or open space purposes in addition to these requirements.

A. The amount of land to be dedicated by the subdivider for public open space and recreation facilities as provided by this section shall not be less than seven hundred (700) square feet per dwelling unit.

B. Where the City Council determines that a suitable park or parks cannot be properly located in the area covered by any such plat, or if the application of the standard for dedication of lands would result in open space sites too small to be used, or if the Comprehensive Plan calls for such neighborhood open space to be located elsewhere, the subdivider shall in lieu thereof pay to the City a fee, the amount of such to be based upon the fair market value of the amount of land which would otherwise be required to be dedicated. "Fair market value" shall be determined as of the time of filing the final plat in accordance with the following: (i) the fair market value as determined by the City Council based on current appraisals; or (ii) if the subdivider objects to such amount of evaluation, the subdivider may, at the subdivider's own expense, obtain an appraisal of property by a qualified real estate appraiser approved by the City, which appraisal may be accepted by the City Council if found reasonable; or (iii) the City and subdivider may agree as to the fair market value. All funds so levied, assessed, and collected by the City shall be directed to the Parks & Recreation Board or the City and shall be designated to park improvements within the City. Said funds shall be used only for the purpose of providing open space and recreational facilities that will be available to and benefit the inhabitants of the City. Any and all interest accumulated upon such funds shall be used only for acquisition and development of open space and recreational facilities.

C. Where private open space for park and recreational purposes is provided in a proposed subdivision or planned unit development, and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, as set forth in paragraph 2(B) above, provided the City Council finds it is in the public interest to do so, and that the following standards are met:

(1) Yards, court areas, setbacks, and other open areas required to be maintained by the Zoning and Building Regulations shall not be included in the computation of such private open space; and

(2) The private ownership and maintenance of the open space is adequately provided for by written agreement; and

(3) The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the City Council; and

(4) The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and

(5) Facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan, and are approved by the City Council.

3. Reservation of Open Space, Recreational Facilities and School Sites. If the Comprehensive Plan requires public open space and or recreation facilities larger than that area required to be dedicated, or a proposed school site is located within the area to be subdivided, the City Council may require the subdivider to reserve additional area in

excess of the dedication requirements of this Article for purchase within two (2) years of the recording date of the subdivision. School sites shall be reserved for four (4) years, giving the PCM School District or its successor in interest, the option of purchase. The purchase price in all cases shall be at the appraised raw land value prior to subdivision plus one-half (1/2) of the cost of grading and paving, including curb, of that portion of any street contiguous to the site. Should the park or school sites not be purchased within the time limits specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat.

4. Location and Design Criteria. The City Council shall determine whether dedication, reservation, or payment of fees in lieu of dedication or a combination of cash, dedication, and reservation shall be required. In making such decisions, the Council shall consider the following:

A. Recreation element of the City's Comprehensive Plan.

B. The size and shape of the land available for dedication. The dedicated land shall form a single parcel of land except where the Council determines that two (2) or more parcels would be in the public interest, in which case the Council may require that the parcels be connected by a path or strip of land not less than fifteen (15) feet wide. In general, no parcel less than two (2) acres should be reserved for recreational purposes if it will be impractical or impossible to secure additional lands to increase its area. The shape of the dedicated parcel should accommodate development of recreational facilities suitable to the subdivision said parcel is intended to serve.

C. The dedicated land shall be located so as to be reasonably accessible to all inhabitants of the subdivision it is intended to serve. Public access to the dedicated land shall be provided either by adjoining street frontage or public easements to the dedicated parcel. The easements shall be sufficiently wide so that maintenance equipment will have reasonable convenient access to the land and shall be approved by Council.

D. A minimum of sixty (60) percent of the parcel to be dedicated shall be suitable for dry ground recreational use. Fifty (50) percent of the area suitable for dry ground recreational use should not exceed three (3) percent grade, and the remainder of such area should not exceed five (5) percent grade. Exceptions to the preceding may be given in cases of exceptional topography or natural amenities.

E. Existing or proposed open space and recreational facilities in adjoining lands which may serve in whole or in part the open space and recreational needs of the development.

F. Any and all other relevant information.

G. The determination of the City Council as to whether land shall be dedicated or reserved or a fee paid, or combination thereof, shall be final and conclusive.

5. Development and Maintenance. It shall be the duty of the City to properly develop and maintain the dedicated area for open space and recreational facilities, and the subdivider shall in no way be responsible for development, maintenance, or liability thereof except that said subdivider shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use, or value of the dedicated property. Where the land required for open space and recreational purposes and facilities is retained in private ownership, it shall be the owners' responsibility to properly develop and maintain said area.

6. Time of Commencement. At the time the final plat is approved and requirements of this section met, the City Council shall establish a reasonable timetable for the development of the park and recreational facilities.

170.49 SUITABILITY OF THE LAND.

Land which the Planning and Zoning Commission or City Council finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the Planning and Zoning Commission and City Council, 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.

170.50 FEES.

All fees for filing of the preliminary and final plat with the City Clerk, inspection fees and any other fees consistent with this Code, as well as fee refunds, shall be set by resolution of the Council or as identified in this Code.

1. Before a preliminary plat, final plat or plat of survey shall be considered by the Commission, the applicant or agent shall deposit with the Clerk a fee according to a schedule adopted from time to time by resolution of the Council. The appropriate fees shall be deposited prior to Council action on the preliminary plat, final plat or plat of survey. In the event that said fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary plat, final plat or plat of survey, the subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.

2. In addition to the plat filing fees, the subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements for inspection, testing, or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.

3. The City shall annually, by resolution, determine the hourly rate which it shall pay for professional engineering services which shall be deemed to be the maximum rate which may be imposed upon any subdivider during such annual period.

4. In general, the following fees are applicable to this Chapter and are identified below. The amounts of each fee are set by resolution of the Council. The list of fees below is not intended to be all inclusive; however, it is to be used as a guide to identify possible fees. Not all fees will be applicable to every subdivision and there may be fees not identified below that are required.

- A. Subdivision Plat Application Fee
- B. Construction Document Review Fee
- C. Construction Observation Fee
- D. Minor Subdivision Plat Application Fee
- E. Dedication of Park Land or Land Fee

170.51 VARIATIONS AND EXCEPTIONS.

1. General. Where the City Council, upon recommendation by the Planning and Zoning Commission, finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council shall not approve variances unless it shall make findings based up on the evidence presented to it in each specific case that:

A. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

C. Because of the particular physical surroundings, shape, topography, or other unique conditions of the specific property involved, a particular hardship to the owner will result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

D. The variance will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan.

2. Conditions. In approving the variance, the City Council may require such conditions at will, in its judgment, secure substantially the objectives of the standards, or requirements of these regulations.

3. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning and Zoning Commission and City Council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

170.52 ENFORCEMENT.

1. It shall be the duty of the Administrator to enforce these regulations and to bring to the attention of the City Council any violations or lack of compliance herewith.

2. No plat of any subdivision shall be recorded in the County Recorder's Office or have any validity, until it has been approved in the manner prescribed herein.

3. The City Council shall not permit any public improvements over which it has control to be made from City funds, or any City money to be expended for improvements or maintenance on any street in any area which has been subdivided after the date of adoption of the ordinance codified herein unless such subdivision and improvements have been approved in accordance with the provisions contained herein and public improvements dedicated to the City as required by these regulations.

4. No owner, or agent of the owner, of any lot or parcel of land located in a proposed subdivision shall transfer or sell any such lot or parcel before a plat of such subdivision has been approved by the City Council, in accordance with the provisions of these regulations, and filed with the County Recorder.

5. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

6. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

170.53 VIOLATIONS AND PENALTIES.

1. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any of the provisions of this chapter shall be guilty of a municipal infraction and upon conviction shall be punished as provided in this Code of Ordinances. Each day that a violation is permitted to exist constitutes a separate offense.

2. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

3. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

170.54 APPLICABILITY TO EXISTING SUBDIVISIONS OR DEVELOPMENTS.

The requirements of this chapter are not applicable to:

1. Existing subdivisions or developments that are presently constructed. Said subdivisions shall be governed by this Code of Ordinances, as it existed at the time plat was approved.

2. Developments for which building permits have been issued.

3. Valid preliminary plats, as defined by this chapter. If such building permits or plats expire prior to completion of the subdivision or development for which it was issued or approved, a renewal or re-issuance of the building permit or extension of time for the preliminary plat shall not be deemed to bring such subdivision or development within the terms of this chapter.

170.55 CHANGES AND AMENDMENTS.

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

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council on the __ day of _____, 2019, and approved this __ day of _____, 2019.

Chad D. Alleger, Mayor

ATTEST:

Cindy Kane, City Clerk

First Reading:

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance No. 369 on the ____ day of _____, 2019.

S/C _____
City Clerk