

CHAPTER 170

SUBDIVISION CONTROL

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170.01 PROCEDURE FOR SUBDIVIDING LAND. Every owner of any tract of land situated within the City of Norway, Iowa, or insofar as the same is applicable, within two miles of the corporate limits of the City, pursuant to Section 354.9, *Code of Iowa*, who may subdivide the same into three or more parts for the purpose of laying out a subdivision of the City or any addition thereto, or subdivide the same into suburban lots or into streets, alleys, parts or tracts intended for public use or for the use of purchasers or owners of lots fronting or adjacent thereto shall follow the procedure outlined in this chapter.

170.02 PRELIMINARY PLATS. Each owner of land planning to subdivide shall confer with the Zoning Commission before preparing the preliminary plat in order to become familiar with the City plan and with any municipal regulations, ordinances, or other conditions affecting the territory in which the proposed subdivision lies. The owner shall submit seven copies of the preliminary plat that shall be filed with the Zoning Commission. The Zoning Commission shall as soon as practicable consider said reports and approve, recommend modifications or disapprove the plat. In case of recommended modifications or disapproval it shall give its reasons therefor. The Zoning Commission shall after such consideration forthwith submit a copy of the preliminary plat together with the recommendations thereof to the Council. The Council shall then approve or disapprove the preliminary plat as recommended. One copy of the resolution shall be delivered or mailed to the owner. When a preliminary plat has been approved by the Council, the owner shall thereupon prepare a plan of the improvement and the arrangement for the improvements, and submit their recommendations to the Council. Within 180 days after the preliminary plat and the plan of improvement have been approved by the Council, the owner shall then proceed with the preparation of the final plat of the land or a part thereof and file the same with the Zoning Commission.

170.03 FINAL PLATS. The final plat shall comply with and conform to the preliminary plat as approved or modified by the Council. Five copies of the final plat shall be submitted to the Zoning Commission together with a certificate from a qualified engineer stating that the final plat is substantially in accord with the preliminary plat as approved by the Council. When the final plat has been approved by the Council, the City Clerk shall duly certify or stamp such approval on the five copies of the final plat. One of these copies shall be returned to the owner.

170.04 AUDITOR'S PLATS. No auditor's plats shall be approved by the Zoning Commission, except when made in accordance with the laws of Iowa.

170.05 PRELIMINARY PLAT DATA. The preliminary plat shall be plainly marked "preliminary plat" and shall include the following information: the legal description of the property; the location of all surface features; the location of all subsurface features such as sewers, water mains, culverts and

drain pipes; proposed streets and alleys and how they connect with existing streets and alleys; location of sidewalks and how they connect with existing sidewalks; the title under which the proposed subdivision is to be recorded, with the name and address of the owner, also north point, scale, date and name of surveyor or engineer.

170.06 FINAL PLAT DATA. The final plat shall include the following information:

1. That the final plat was made from an accurate survey and drawn to 100 feet to the inch or larger scale by a licensed engineer surveyor.
2. The boundaries of the property, the lines of all proposed streets and alleys with their width, and any other areas intended to be dedicated to public use.
3. The lines of adjoining streets and alleys with their width and names.
4. All lot lines and easements, with figures showing their dimensions.
5. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements, and any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.
6. Radii, arc and chords, points of tangency, central angles and curve data for all curvilinear streets, and radii for all rounded corners.
7. The description and location of all permanent monuments set in the subdivision. Such monuments shall be placed at all block corners, at all angles and points of curves of the street and alley property lines and at corners and angles of the exterior boundaries of the subdivision.
8. Title and legal description of property subdivided showing its location and extent, identification with a point on the government survey, points of compass, scale of plan, and certification and name of engineer or surveyor staking the lots.
9. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved for the common use of the property owners in the subdivision.
10. The final plat shall be accompanied with an instrument executed in the form provided by the laws of Iowa, dedicated to the City of Norway, Iowa, title to all property intended for public use.
11. The final plat shall be accompanied by forms of the resolution of the Zoning Commission; City Council; Clerk of the District Court; County Treasurer; and County Recorder as provided by the laws of the State.
12. Approval of the final plat by the Council shall be ineffective if the plat and its proceedings are not recorded by the owner in the office of the County Recorder within one year after date of approval, unless within that time an extension is granted by the Council.

170.07 MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT. No final subdivision plat shall be approved by either the Zoning Commission or by the Council unless it conforms to the following minimum standards and requirements.

1. Acre Subdivisions. Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easement or deeds providing for the present or

future opening and extension of such streets, may, at the discretion of the Council, be made a condition of the approval of the plat.

2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining additions, or their proper projection where adjoining property is not subdivided, insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and need to provide for convenient access to it. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the owner shall dedicate or convey to the City a sufficient area to provide a minimum width street or alley as prescribed in this section.

3. Street and Alley Widths; Profiles.

A. The width of major streets shall conform to the widths designated on the major street plan.

B. The minimum width for minor streets shall be 50 feet except that in cases where the topography or special conditions make a street of more or less width more suitable, the Council may, upon recommendation of the Zoning Commission vary this requirement.

C. Dead-end streets of less than 300 feet in length shall have a minimum width of 50 feet with 25 feet hard surfaced, unless, because of unusual conditions the Zoning Commission may require a street of a lesser or greater width. A dead-end street shall terminate in a circular right-of-way with a minimum diameter of 100 feet with 90 feet hard surfaced, unless the Zoning Commission approves an equally safe and convenient space. No dead-end street shall be longer than 600 feet.

D. The minimum width of an alley in a residential block, when required because of unusual conditions, shall be 20 feet. Alleys are not recommended in residential districts except under unusual circumstances. Alleys are required in the rear of all commercial and industrial districts and shall be at least 25 feet wide. A cut-off shall be made at all acute and right angle alley intersections within the block by a curve of not less than a 50-foot radius.

E. Where alleys are not provided, easements to the City of not less than a total of eight feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and other utilities. Construction on and use of the land subject to said easements may be made only upon approval of the Council.

F. Profiles shall be made and submitted to the City of all streets and alleys and shall show street grades, location, size and grade of all conduits, sewers, pipe lines to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

G. For main, secondary and minor thoroughfares, the minimum radius of curvature shall be subject to the approval of the City Engineer. The maximum grade so far as practicable shall not exceed six percent for main and secondary thoroughfares; an

exception from these requirements may be permitted by the Council to meet existing conditions of topography.

4. Street Names.

A. A street that is obviously in alignment with existing street shall bear the name of the existing street; otherwise names shall not duplicate or be similar to existing street names.

B. Where it is desired to subdivide a parcel of land which because of its size and location does not permit a normal street arrangement, there may be established a "place." Such place may be in the form of a court, a non-connecting street, or other arrangement, provided that proper and easy access shall be provided for all of the lots from a dedicated street or court, and the size of the layout shall be such as to assure a building arrangement corresponding to the standard requirements for normal additions conforming to the area.

5. Lots.

A. The side lines of a lot shall be at right angles to straight street lines or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage are not permitted except when approved by the Council.

B. The minimum dimensions for any lot shall be 60 feet in width and 100 feet in depth, but in no case shall a lot that is to be used for residential purposes contain less area than is required by the lot area regulation of the zoning district in which the property is located.

C. Lots shall be of a width that will permit the maintenance of all building lines and yard requirements as may be provided by the zoning regulations of the City.

D. All major street intersections and other points likely to be dangerous shall have a radius of not less than 15 feet at the street corner. All acute angles at street intersections shall be rounded by a radius of not less than 15 feet.

6. Blocks. No block shall be longer than 1,320 feet between street lines.

7. Parks; School Sites. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to the adopted master plan of the City. Any provision for schools, parks or playgrounds shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

8. Character of Development. The Zoning Commission shall have the right to counsel with the owner regarding the type and character of development that will be permitted in the subdivision, and may urge that certain minimum regulations regarding this matter be incorporated in the restrictive covenant. Such provision is intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate character of development in the property which is subdivided.

170.08 IMPROVEMENTS.

1. Required. Before the final plat of any subdivision is approved and recorded, the owner shall make and install the minimum improvements described in this section. If, at the time of the presentation of the final plat, it is not practical or advisable to have the required improvements completed before the plat is accepted and approved, the owner shall enter into a contract with the City to make such improvements at such time as may be therein stated. The performance of the

contract shall be secured by the filing of a bond approved by the Council in an amount equal to the cost of the improvements as estimated by the City Engineer.

2. Water. Where the subdivision is within the City limits, the owner shall make necessary arrangements to serve each lot with a water main of the Norway water department if the mains of the water department are reasonably available in the judgment of the Council. Such installations shall be in accordance with the standards and specifications of the Norway water department, and under the supervision of the Water Superintendent and subject to said official's approval.

3. Sanitary Sewers. Where a subdivision is within the City limits, the owner shall connect with the sanitary sewer system of the City and provide adequate sewer lines accessible to service each lot if such sewer system is reasonably available in the judgment of the Council. Said sewers shall be constructed in accordance with the standard specifications of the City under the supervision of the City Engineer and subject to the engineer's approval.

4. Streets. The owner shall grade all the streets to the required full width of the right-of-way including half streets, alleys, and other thoroughfares for public use, established in the subdivision. The owner shall surface all streets and alleys including half streets pursuant to a time table approved by the Council with one of the following types of surfacing:

A. A minimum of six inches of crushed rock mixed with asphalt with double-seal coat and with integral curb and gutter in accordance with specifications of the City Engineer, and subject to the engineer's approval.

B. Such other surface including reinforced concrete pavement with integral curb and gutter or asphaltic concrete pavement with a reinforced concrete curb and gutter which may meet with the approval of the City Engineer.

5. Street Utilities and Grading. Before the construction of the street surface, the required utilities such as water, sewer, gas, and other utilities shall be installed along with connections laid to a point in the street not more than eight feet from the property line. All trenching backfill shall be compacted in accordance with City specifications and the sub-grade made acceptable for street surfacing. The width of the street surfacing shall conform to the traffic requirements of the street and shall in no event be less than 25 feet in width. In case of half-width streets bounding the plat, the owner is required to construct only one-half of the width of an all-weather street surface, if in the judgment of the Council such surfacing is necessary. All street grading and street improvements shall conform to the appropriate standard plans and specifications of the City.

6. Drainage. Adequate provisions shall be made for drainage of surface water subject to the approval of the City Engineer.

7. Grading Lots. The owner shall, whenever necessary, grade any or all portions of the property subdivided with lots so that each lot will be suitable and usable for the erection of residential or other structures thereon.

8. Utilities. The Zoning Commission and the Council may require that such improvements as electric lines, gas mains and similar facilities in any subdivision shall be arranged for where necessary before the plat is approved.

9. Sidewalks. Sidewalks shall be constructed on property owner's adjoining property on both sides of the street in the subdivision, including replats, and shall be no less than three feet in width and no less than four inches in thickness and shall be constructed in accordance with plans and specifications approved by the City Engineer, except, the owner may be granted permission by the Council to omit a sidewalk or sidewalks in a subdivision or any part thereof if in the discretion of the Council the same are found to be unnecessary.

170.09 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual size and shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustice, the Council, upon recommendation of the Zoning Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

170.10 ENFORCEMENT.

1. 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.
2. The Building Official shall not issue any building or repair permits for any structure on any tract of land required to be platted under the provision hereof and of Chapter 354 of the *Code of Iowa*, until this chapter has been complied with.
3. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been dedicated after July 1, 1976, unless such subdivision or street has been approved in accordance with the provisions of this chapter.
4. All plats of property situated outside of the corporate limits which require action by the Zoning Commission and Council shall comply with the foregoing regulations as far as applicable.