

**TITLE VI, COMMUNITY DEVELOPMENT
AND ENVIRONMENT**

CHAPTER 6 - SUBDIVISION CONTROL

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TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 6 - SUBDIVISION CONTROL

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TITLE VI - COMMUNITY DEVELOPMENT

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ARTICLE 1

Section 1. SHORT TITLE. This ordinance may be known and cited as the "Subdivision Regulations of Estherville, Iowa."

Section 2. PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare of the public.

Section 3. JURISDICTION. In accordance with the provisions of Chapter 409 of the Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Estherville, Iowa, governing the subdivision of all lands within the corporate limits of the city and all lands within two (2) miles of the corporate limits.

Section 4. DEFINITIONS. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is mandatory, and the word may is permissive.

- 4.1 Access Street.** A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
- 4.2 Block:** 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.
- 4.3 Building Line:** Building lines shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the zoning ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
- 4.4 City Engineer:** The city administrator or other duly qualified person or firm designated by the City Council.
- 4.5 Commission:** The Planning and Zoning Commission of Estherville, Iowa.

- 4.6 **Collector Streets:** 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 street for circulation within such a development.
- 4.7 **Crosswalk:** A pedestrian walkway connecting two or more streets.
- 4.8 **Cul-de-sac:** A short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
- 4.9 **Easement:** 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 limits of which the owner of the land shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
- 4.10 **Engineer:** An engineer is a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.
- 4.11 **Half Street:** A one-half width street right-of-way on the boundary of a subdivision dedication by the subdivider to the city; for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.
- 4.12 **Lot:** A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
- 4.13 **Major Thoroughfare:** A street used primarily for fast, large volume traffic.
- 4.14 **Minor Street:** A street used primarily for access to the abutting properties.
- 4.15 **Mobile Home Subdivisions:** A subdivision designed according to the Estherville Subdivision Regulations, and is designed only for the location of mobile homes on lots owned by the mobile home owner.
- 4.16 **Performance Bond:** A surety bond or cash deposit made out to the city in an amount equal to the full cost of the improvements which are required by this ordinance, said cost being estimated by the city engineer, and said surety bond or cash deposit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.
- 4.17 **Plat:** A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to be in final form to record.

- 4.18 Right-of-Way:** The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
- 4.19 Roadway:** That portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back of curbs.
- 4.20 Subdivision:** A subdivision is a division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines. 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.
- 4.21 Surveyor:** A registered land surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa.

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ARTICLE 2

Section 1. PREAPPLICATION. Prior to the subdivision of any land, the subdivider or his agent should discuss informally with the Planning and Zoning Commission the property proposed for subdivision, with reference to these subdivision regulations and procedures, zoning regulations and controls, and planning documents.

Section 2. PRELIMINARY PLAT APPROVAL. In obtaining preliminary approval of a proposed subdivision by the city, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

- 2.1** The subdivider shall first prepare and file with the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of the Code of Ordinances of the City of Estherville, Iowa, six (6) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance. Eight (8) copies of the preliminary plat shall be submitted for subdivisions within the extraterritorial limits of the city. One (1) computer copy of the preliminary plat shall be provided in a format and on media acceptable to the City of Estherville.
- 2.2** The designated city official pursuant to Title I, Chapter 4, Article 4 of the Code of Ordinances of the City of Estherville, Iowa, shall forthwith refer one (1) copy to the city clerk for recording purposes, and two (2) copies to the Planning and Zoning Commission. In the case of a subdivision outside the corporate limits of the city, the designated city official shall refer two (2) copies of the preliminary plat to the County Board of Supervisors and keep the county engineer advised of the status of the plat and actions taken thereon.
- 2.3** The city engineer shall carefully examine said plat as to its compliance with the laws and ordinances of the city, the existing street system, sound engineering practices, and shall within thirty (30) days, submit his findings to the Commission.
- 2.4** After receiving the engineer's report and any comments from the county in relation to those subdivisions outside the corporate limits, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by him. The Commission shall conclude its study of the preliminary plat and at its discretion hold a public hearing and shall approve or disapprove the preliminary

plat within sixty (60) days after its presentation to the Commission. If the Commission does not act within sixty (60) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days.

- 2.5** Before approving a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, and by sending notices to adjacent property owners by mail. Such notice shall be given at least seven (7) days prior to the public hearing.
- 2.6** Upon approval of the preliminary plat by the Commission, the preliminary plat shall be referred to the City Council. The City Council shall conclude its study of the preliminary plat and shall approve or disapprove the preliminary plat within thirty (30) days after the preliminary plat is first submitted to the City Council. If the City Council does not act within thirty (30) days, the preliminary plat shall be deemed to be approved.
- 2.7** Upon approval of the preliminary plat by the City Council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within one hundred-eighty (180) days after date of approval of the preliminary plat.
- 2.8** Approval of the preliminary plat by the City Council is revocable and does not constitute final plat approval of the subdivision by the City Council or the council's authorization to proceed on construction of improvements within the subdivision.

Section 3. FINAL PLAT APPROVAL. In obtaining approval of a proposed subdivision by the city, the subdivider shall submit a final plat in accordance with the following order and procedure:

- 3.1** Before submitting the final plat to the City Planning and Zoning Commission for approval, the subdivider shall furnish all plans and information as required by this ordinance, including eight (8) copies of the final plat. One (1) computer copy of the final plat shall be provided in a format and on media acceptable to the City of Estherville.
 - A.** The final plat shall be filed in duplicate together with a certificate from the city engineer that the final plat is substantially in accord with the preliminary plat as approved by the City Planning and Zoning Commission and the City Council.
- 3.2** The City Planning and Zoning Commission shall then consider the final plat and shall submit their recommendation by resolution to the City Council.

- 3.3** The City Council shall then consider the plat and if the same is acceptable and in accordance with this Ordinance, the City Council may accept the same. If said plat is disapproved by the City Council, such disapproval shall point out in writing wherein said proposed plat is objectionable. The City Council must act within sixty (60) days after receipt of the final plat. If the City Council does not act within sixty (60) days, the final plat shall be deemed to be approved.
- 3.4** The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the county recorder of Emmet County, Iowa, as provided in Chapter 409, Code of Iowa, and amendatory acts thereto and shall file satisfactory evidence of such recording in the office of the city clerk before the city shall recognize the plat as being in full force and effect. Notice of such recording shall be filed with the city clerk within ninety (90) days of City Council approval.

Section 4. PLATS OUTSIDE CORPORATE LIMITS. Procedure for approval of preliminary and final plats of land within two miles of the corporate limits shall be the same as set out in Section 2.1 and 2.2 above except that eight (8) copies of the plat shall be filed with the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of the Code of Ordinances of the City of Estherville, Iowa, and the said designated official shall refer one (1) copy to the County Board of Supervisors and request their recommendations to be submitted to the City Planning and Zoning Commission, shall have sixty (60) days to submit a recommendation to the council and shall not take action on the plat prior to receiving the recommendations by the county, provided that the county shall submit its recommendations within thirty (30) days after the referral of the plat to the county engineer and the County Board of Supervisors. Notice that the final plat has been filed with the county recorder shall be filed with the city clerk within one hundred twenty (120) days of county approval.

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ARTICLE 3

Section 1. PRELIMINARY PLAT DATA. The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or his representative, shall call at the city offices in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

- 1.1 Number of Copies and Scale:** The required number of copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over eighteen (18) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. A scale other than the above may be used if first approved by the city.
- 1.2 Contents of Preliminary Plat:** The preliminary plat shall contain the following:
- A.** Name of subdivision, date, point of compass, scale, and official description of the property being platted.
 - B.** Name and address of recorded owner and of developer.
 - C.** Name and address of Engineer and/or Land Surveyor.
 - D.** Existing buildings, railroads, underground utilities, and other rights-of-way.
 - E.** Location, names, and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
 - F.** Location and names of adjoining subdivisions and names of the owners of adjoining land parcels.
 - G.** Proposed lot lines with approximate dimensions and the square foot area of nonrectangular lots.
 - H.** Area dedicated for public use, such as schools, parks, and playgrounds.

- I. Existing and proposed contour lines at intervals of not more than two (2) feet.
- J. Building setback lines.
- K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- L. Zoning classification of the area, both existing and proposed.
- M. Proposed utility service, including location and size or capacity.
 - (1) Source of water supply.
 - (2) Provision for sewage disposal.
 - (3) Provision for storm water drainage, including proposed storm sewers, ditches, culverts, bridges, and other structures.
- N. Lot Numbers.
- O. A typical cross-section of the proposed streets showing the roadway location type and width of surfacing. The type of drainage and other improvements to be installed shall also be shown.

1.3 Accompanying Material: Accompanying material shall include the following:

- A. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation test made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the city engineer. One (1) test for each three (3) acres, or fraction thereof shall be shown on the preliminary plat.

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ARTICLE 4

Section 1. FINAL PLAT DATA. The final plat may include all or part of the preliminary plat.

- 1.1 Number of Copies and Scale:** When and if the preliminary plat is approved, the subdivider shall submit six (6) copies of the final plat for review by the Commission. The scale of the map shall be fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over eighteen (18) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used.
- 1.2 Contents of Final Plat:** The final plat shall contain the following:
- A.** Accurate boundary lines, with dimensions, bearings, and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet on the boundary and one (1) foot in five thousand (5,000) feet for any individual lot.
 - B.** Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
 - C.** Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - D.** Accurate metes and bounds description of the boundary.
 - E.** Street names.
 - F.** Complete curve notes for all curves included in the plat.
 - G.** Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
 - H.** Lot numbers and dimensions.
 - I.** Accurate locations and descriptions of easements for utilities and any limitations on such easements.
 - J.** Accurate dimensions for any property to be dedicated or reserved for public, semipublic, or community use.

- K.** Location, type, material, and size of all monuments and markers.
- L.** Name of the subdivision.
- M.** Name and address of owner(s) and subdivider.
- N.** North point, scale, and date.
- O.** Certification by a registered land surveyor of the State of Iowa.

1.3 Accompanying Material: The final plat shall contain the following accompanying material:

- A.** Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing. Two (2) sets of the above plans shall be submitted to the city.
- B.** Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval, and included in the owner's dedication of the plat.
- C.** A dedication to the city, properly executed, for all streets intended as public streets, and for any other property intended for public use, except for areas outside the corporate limits.
- D.** The following certificates to be indicated on the final plat:
 - (1)** By the owner and his spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
 - (2)** From the county treasurer that the subdivision land is free from taxes.
 - (3)** From the clerk of the District Court and county recorder that the subdivision land is free from all judgments, attachments, mechanics, or other liens of record in his office.

- E.** Written and signed statements explaining how and when the subdivider proposes to provide and install all improvements required by this ordinance. Such statement shall acknowledge required conformity with city specifications, inspections, and approvals by the city engineer.
- F.** Drainage plans for the positive removal of storm water.
- G.** An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner's name as shown on the plat and showing any encumbrances that may exist against said land.

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ARTICLE 5

Section 1. DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances.

However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

1.1 Streets.

- A. Comprehensive Plan.** All proposed plats and subdivisions shall conform to the Comprehensive Plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the city.
- B. Continuation of Existing or Planned Streets.** Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than fifty (50) feet in width, and in width, and in similar alignment, unless variations are recommended by the Commission.
- C. Circulation.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily deadended, an interim turnaround may be required.
- D. Street Intersections.** Street intersections shall be as nearly at right angles as possible.
- E. Cul-de-sac.** Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred (100) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line(s) at the intersection of

the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than one hundred twenty (120) feet; or equal straight approach lines. A turnaround diameter greater than one hundred (100) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

- F. Street Names.** All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
- G. Physical and Cultural Features.** In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
- H. Half Streets.** Dedication of half streets will not be permitted. Except where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- I. Alleys.** Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- J. Neighborhood Plan.** If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
- K. Land Not Platted.** Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.
- L. Major Thoroughfares.** Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the traffic way.
- (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- (3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the traffic way.

M. A dedication to the city shall be given for all streets before the same will be accepted for city maintenance. The city will not maintain any street until it has been surfaced in accordance with city specifications.

N. Railroads. If a railroad is involved, the subdivision plan should:

- (1) Be so arranged as to permit, where necessary, future grade separation at highway crossings of the railroad.
- (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
- (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereonto.

O. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the city engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares, or ten (10) percent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length of one-hundred (100) feet. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the city engineer.

P. Street Rights-of-Way and Widths. Minimum rights-of-way shall be provided as follows:

- (1) Thoroughfares - eighty (80) feet.
- (2) Collector streets - sixty (60) feet.
- (3) Residential or minor streets - fifty (50) feet.
- (4) Cul-de-sacs - one hundred (100) feet in diameter.
- (5) Alleys - twenty-four (24) feet.

Q. Street Widths. Streets shall have a width and cross section as shown in the Comprehensive Plan for the type of street involved.

R. Other Considerations.

- (1) The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
- (2) Street intersections shall be not less than two hundred (200) feet apart.
- (3) No dead-end streets or alleys will be permitted except at subdivision boundaries.
- (4) Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is shown in the Comprehensive Plan.
- (5) Alleys shall not be permitted in residential areas, but shall be provided in commercial and industrial areas.
- (6) Intersection of more than two streets at a point shall not be permitted.

1.2 Easements.

A. Easements not less than ten (10) feet in width shall be provided along each side of the rear lot lines of all lots, and along such other lot lines as may be required by public and private utility companies.

B. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses, or high voltage lines and shall be provided as determined by the utility or City Council.

- C.** Utility easements shall convey to the city, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas, where necessary to secure an open area with a vertical plane to the easement line, together with the right to extend to any telephone, cable television, electric or power company, the right to use separately or jointly with the city, the areas included in the easement for the purposes above enumerated.
- D.** Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the city an easement along each side of the stream, which easement shall be for these purposes, and said easement shall be a minimum of twenty (20) feet on each side plus stream design width and a total width adequate to provide any necessary channel straightening or relocation.

1.3 Blocks.

- A.** No block shall be longer than one thousand three hundred twenty (1,320) feet.
- B.** At street intersections in commercial and industrial subdivisions block corners shall be rounded with a radius of not less than ten (10) feet; unless at any one (1) intersection a curve radius has been previously established, then such radius shall be used as standard.
- C.** Crosswalks may be required in blocks over 700 feet long or in areas where curved streets require excessive out of the way travel. If required, they shall be constructed by the developer. Right-of-way for crosswalks shall not be less than ten (10) feet.

1.4 Lots.

- A.** Corner lots shall be not less than twenty (20) feet greater in width than the minimum required interior lot width, so as to permit adequate building setbacks on both front and side streets.
- B.** Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots.

- C.** Each lot shall be provided by means of a public street with satisfactory access to an existing public street.
- D.** Each lot shall be provided with not less than seventy-five (75) feet of access frontage to a public street, subject to the following exceptions: Lots of irregular shape may have fifty (50) feet of access frontage, provided that the minimum lot width and area requirements of the zoning ordinance are met. Lots within mobile home subdivisions shall be provided with fifty (50) feet of access frontage.
- E.** No lot shall be less in size or shape than that required to provide an adequate building site in compliance to the zoning ordinance.
- F.** For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed.
 - (1)** Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains, shall have a minimum width as defined by the zoning ordinance of one hundred (100) feet, and an area of not less than 20,000 square feet or the minimum permitted by the zoning ordinance, whichever is the larger.
 - (2)** Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width as defined by the zoning ordinance of eighty (80) feet and an area of 10,000 square feet or the minimum permitted by the zoning ordinance, whichever is the larger.
- G.** Side lot lines where possible shall be at right angles or radial to the street lines.

1.5 Monuments.

- A.** Iron pins five-eighths (5/8) inch in diameter and thirty (30) inches long or suitable concrete markers shall be placed at all points on boundary lines where there is a change of direction and at all lot corners.

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ARTICLE 6

Section 1. IMPROVEMENTS. The subdivider shall be responsible for the installation and/or construction of all improvements required by this ordinance, and shall warrant the design, material, and workmanship of such improvements, installation and/or construction for a period of two years from and after completion. Such warrant shall be by bond or other acceptable collateral; shall be subject to review by the city attorney; shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the city from any and all costs or losses resulting from or contributed to, such defective improvements.

Before the City Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the city engineer shall report that said improvements meet all city specifications and ordinances or other requirements and agreements between the subdivider and the city.

This requirement may be waived if the subdivider will post a performance bond or certified check with the City of Estherville, Iowa, guaranteeing that said acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City of Estherville, Iowa.

If a performance bond is posted, such bond shall be subject to review by the city attorney prior to acceptance; shall specifically assure the expedient installation and completion of all improvements within the specified construction time period; and shall indemnify the City of Estherville, Iowa, against and all costs or losses from development and construction.

The Council may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 2. RE-SUBDIVISIONS. The council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of re-subdivisions where only the size, shape, and arrangement of the lots are being changed and no new streets are

required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

Section 3. REQUIRED IMPROVEMENTS. All plans, specifications, installation, and construction required by this ordinance shall be subject to the review, approval, and inspection by the city engineer or other authorized city representative. The subdivider shall furnish the city engineer with a construction schedule prior to commencement of any and/or all construction; and shall notify the city engineer, not less than twenty-four (24) hours in advance of readiness for required inspections.

- 3.1 Grading:** The subdivider shall at his expense bring all streets and alleys within the platted area which are being dedicated for public use to the grade approved by the city prior to the installation of any underground utilities.
- 3.2 Sanitary Sewers:** The subdivider shall at his expense provide the subdivision with a complete sanitary sewer system including all necessary pumping stations, force mains, pumping equipment and other appurtenances, which shall connect with a sanitary sewer outlet or treatment facility approved by the City Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property. The subdivider shall provide each lot with a service connection extended from the main to the lot line. Lot services shall be at least eight (8) feet deep at curb line as measured from the top of curb. When oversized sanitary sewers are required to serve other areas of the watershed, the additional cost may be borne by the city or assessed on an area basis to the properties served. All improvements shall conform to current city standards and specifications.
- 3.3 Storm Drains:** The subdivider shall at his expense provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide the collection and removal of all surface waters. These improvements shall extend to the boundaries of the subdivision so as to provide for extension to adjoining properties. Where oversized storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost may be borne by the city or assessed on an area basis to the properties served. All improvements shall conform to current city standards and specifications.
- 3.4 Water:** The subdivider shall at his expense provide the subdivision with a complete water main supply system including hydrants, valves, and other appurtenances which shall be extended into and through a water connection for each lot, and shall be connected to the city water system. Where oversized water mains are required to serve other areas of the watershed, the additional cost may be borne by the city or assessed on an area basis to the properties served. All improvements, including water hydrants, shall be uniform throughout the subdivision and shall conform to the standards and specifications of the city.

- 3.5 Sidewalks:** The Planning and Zoning Commission may, when deemed necessary, require the subdivider to provide at his expense a four (4) foot wide concrete sidewalk along each lot frontage. Such walk need not be constructed until completion of site grading and construction on the lot, but shall be constructed prior to the occupancy of the structure. All improvements shall conform to the standards and specifications of the city.
- 3.6 Curb and Gutter:** The subdivider shall at his expense install curb and gutter on all streets in the plat being dedicated for public use. Curb and gutter shall be constructed of Portland cement concrete, and shall conform to the standards and specifications of the city.
- 3.7 Surfacing:** The subdivider shall at his expense surface all streets being dedicated for public use from curb to curb. Surfacing shall consist of not less than six (6) inches of Portland cement concrete over a prepared subbase or eight (8) inches of asphalt over a prepared subbase in accordance with designs and specifications and at grades approved by the city. Where a surface width in excess of thirty-one (31) feet, inclusive of curbs and gutters, is required, the cost of the additional surface width, which shall be assumed to be the center portion of the roadway surface, may be paid by the city. On collector and thoroughfare streets where a high standard or greater thickness of street surfacing is deemed necessary by the City Council than is herein required, the additional cost may be borne by the city. All paving is to commence one (1) year after the installation of all utilities. The minimum paving width shall be thirty-one (31) feet from back of curb to back of curb. Paving thicknesses less than the above minimums may be allowed by the city, subject to proof of material strength and soil compaction ratios.
- 3.8 City Participation:** Nothing in this section shall be construed to prevent the City of Estherville, Iowa, from furnishing financial assistance in subdivision development under criteria established by Chapter 15-A of the Code of Iowa provided that any improvements financed thereby shall be dedicated to and owned by the City of Estherville, Iowa.

Section 4. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES. The City Council may require that all utility lines be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. 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 may consider that soil, topographical, or other conditions that make such installations within the subdivision unreasonable or impractical.

- 4.1** Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following requirement shall apply:

- A.** After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be completely installed and approved through the length of the street and across the flat section.

Section 5. SPECIFICATION. The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Two sets of plans and specifications shall be submitted to the city for approval prior to construction, and construction shall not be started until plans and specifications have been approved.

Section 6. ACCEPTANCE. All of the above improvements shall, upon their completion, inspection, approval, and acceptance by the City Council, become the property of the City of Estherville.

Section 7. AS-BUILTS. The subdivider shall furnish the city with as-built drawings at the completion of the installation of utilities.

Section 8. IMPROVEMENTS WITHIN EXTRATERRITORIAL JURISDICTION. Improvements in the two (2) mile control area shall be the same as required above, provided they are not less than that required by the county subdivision policy, and provided further that all road and drainage construction plans shall be approved by the county engineer, and completed roads shall be accepted by the Board of Supervisors for public maintenance.

**TITLE VI - COMMUNITY DEVELOPMENT
AND ENVIRONMENT
CHAPTER 6 - SUBDIVISION CONTROL**

ARTICLE 7

Section 1. PARK AND OPEN SPACE DEDICATION. A minimum of five (5) percent of the net area of subdivisions of five (5) acres or over shall be dedicated for public parks, playgrounds, or open space.

Section 2. SCHOOL RESERVATIONS. Areas which are planned for public school use by the Estherville Community School District, shall be reserved for purchase by the school district within one (1) year from the endorsement date of the final plat. After such time or upon written waiver from the school district, the subdivider may re-plat such areas for his own purposes.

Section 3. OTHER REGULATIONS.

- 3.1** Public open spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site which is undesirable for such public or civic uses.
- 3.2** If the Comprehensive Plan requires a public open space larger than five (5) percent of the net area of the proposed subdivision, the subdivider shall reserve the area excess of the dedication requirement for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by the last available Emmet County assessment rolls. After such time, the subdivider may re-plat such acreage for his own purposes.
- 3.3** Natural features, historic sites, and similar community assets shall be preserved.

**TITLE VI - COMMUNITY DEVELOPMENT
AND ENVIRONMENT
CHAPTER 6 - SUBDIVISION CONTROL**

ARTICLE 8

Section 1. FEES. Each preliminary plat submitted for approval shall be accompanied by a fee as determined by resolution of the City Council which shall be credited to the General Fund of the City of Estherville.

Section 2. VARIANCES. Where the strict application of standards or requirements established by this ordinance would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Planning and Zoning Commission may recommend and the council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this policy.

Section 3. ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated, subject to the following:

- 3.1** No plat or subdivision in the City of Estherville or within two (2) miles thereof shall be recorded or filed with the county auditor or county recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and has been approved by the City Council as prescribed herein.
- 3.2** No more than two building permits shall be issued for each separate tract existing at the effective date of this ordinance unless the tract shall have been platted in accordance with the provisions contained herein. This restriction does not include building permits for accessory buildings.
- 3.3** No public improvements over which the council has control shall be made with city funds, nor shall any city funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of adoption of this ordinance unless such subdivision and streets have been approved in accordance with the provisions of this ordinance and the street accepted by the City Council as a public street.
- 3.4** Any persons who shall dispose of or offer for sale or lease any lots in the city, addition thereto, or within two (2) miles thereof until the plat shall have been approved, acknowledged and recorded as provided by this ordinance and Chapter 409, Code of Iowa, shall forfeit and pay fifty dollars (\$50) for each lot or part thereof sold, disposed of, leased, or offered for sale. Each day that the violation occurs shall be deemed a separate offense.

- 3.5** No zoning compliance or building permit shall be issued until, and unless, all improvements and recordings required by this ordinance have been made in accordance with city plans and specifications and accepted by the City Council. Since paving is to commence one (1) year after the installation of all utilities, building permits may be issued for lots along unpaved streets provided the subdivider place a temporary gravel surface on all unpaved streets. The gravel surface shall be in accordance with current city specifications, and shall not be construed to satisfy the requirement of Article 6, paragraph 3.7 of this ordinance.

Section 4. AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the City Council; provided, however, that such amendments shall first be submitted to the Planning and Zoning Commission for review and study. The Commission shall report within thirty (30) days after which the council shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least fifteen (15) days prior to such hearing. The amendment shall become effective from and after its adoption and required publication.

Section 5. VALIDITY. Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or part thereof, other than the part so declared to be invalid or unconstitutional.

Section 6. EFFECTIVE DATE. This ordinance shall be in effect from and after its adoption and publication as required by law.

Section 7. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

COMMUNITY DEVELOPMENT OFFICE

City of Estherville

Interpretation of Zoning Code

_____, 2000

Dave's message here.

David W. Knox
Community Development Director