

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 7 SUBDIVISION REGULATIONS**

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6-7-1 TITLE, PURPOSE AND APPLICATION. This chapter shall be known, referred to and cited as “The Land Subdivision Ordinance of the City of Camanche, Iowa”. This chapter is to provide for the harmonious development of the City and vicinity, for the coordination of streets within subdivisions with other existing or planned streets, or with other features of the City Comprehensive Plan of the City, for adequate open spaces for traffic, recreation, light and air and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity. Under the authority of Section 354.9 of the Code of Iowa, every owner of any tract or parcel who has or shall hereafter subdivide or plat said tract or parcel into three (3) or more parts, for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or within two (2) mile of its corporate limits, shall cause plats of such area to be made in the form and containing the information as hereinafter set forth before selling any lots therein contained or placing the plat on record. Requirements of this chapter also apply to the resubdivision or replatting of a recorded plat.

6-7-2 DEFINITIONS. For use in this chapter, the following words and terms are defined:

1. Alley: A permanent service-way providing a secondary means of access to abutting lands.
2. Arterial streets: Those streets designated in the street plan for large volumes of traffic movement. Certain arterial streets may be classified as business streets to serve congested business sections, and others as limited access highways to which entrances and exits are provided only at controlled intersections, which access is denied to abutting properties.
3. Block: A unit of property lying between the two (2) nearest intersecting and intercepting streets or between the nearest intersecting and intercepting streets or railroad right of way, waterway or other definite barrier.

4. Block frontage: Property abutting on one side of a street, and lying between the two (2) nearest intersecting or intercepting streets or railroad right of way, waterway or other definite barrier.

5. Building setback line: A line on a plat between which line and a street right of way no building or structure may be erected.

6. Circle drive: A residential street of a closed circular shape, which has one entrance open to traffic and intersects or intercepts no street other than the entrance.

7. Commission: The City Plan Commission.

8. Comprehensive plan: The complete plan, or any of its parts, for the development of the city, prepared by the commission and adopted in accordance with state law.

9. Cul-de-sac, court or dead end street: A residential street having one end open to traffic and being permanently terminated by a vehicle turnaround.

10. Easement: A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, utilities, a corporation or a certain person or persons.

11. Feeder streets: Those designated as important streets to facilitate the collection of traffic from residential streets, to permit circulation within neighborhood areas and to provide convenient ways for traffic to reach arterial streets.

12. Loop: A residential street that begins and ends at two (2) spaced points on the same street and which intersects and intercepts no other street.

13. Lot: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or development.

14. Major arterial streets: Streets which are designed and intended to move large volumes of vehicles between cities or parts of the City.

15. Minor arterial streets: Streets which provide a function similar to the major arterial, but are primarily intra-city in nature, and operate at lower speeds than major arterials.

16. Place or private drive: An open, unoccupied, officially designated, privately owned space, other than a street or alley, permanently reserved for use as the principal means of access to one (1) or more abutting properties as specifically authorized under this chapter. For the purposes of this chapter, a place or private drive shall be subject to the same requirements, conditions, restrictions and connotations as streets. For single-family and two-family dwellings, not more than three (3) lots or three (3) principal structures may be served by a private drive.

17. Plat: A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

18. Private sanitary sewer system: A sewer owned, controlled and maintained by property owners, a subdivider or a duly constituted homeowner association.

19. Private sewage treatment and disposal system: All equipment and materials needed to properly treat and dispose of sewage from a single residential, commercial or industrial use.

20. Private water well system: Any excavation that is drilled, bored, driven or dug in the earth to provide a source of water for a single residential, commercial or industrial use.

21. Public sanitary sewer outlet: A public sanitary sewerage system which conveys sewage to a public wastewater treatment facility.

22. Public sanitary sewer system: A sewer owned, controlled, maintained and subject to the jurisdiction of the city.

23. Public water supply: Those water systems owned, controlled and maintained in accordance with the franchise between the provider and the city.

24. Quasi-public sewage treatment and disposal system: All equipment and materials needed to properly treat and dispose of sewage from more than one residential, commercial or industrial user, and other than a public sanitary sewer system.

25. Quasi-public water well system: Any excavation that is drilled, bored, driven or dug in the earth to provide a source of water for more than one residential, commercial or industrial user, and other than a public water supply.

26. Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots of parcels of land. It may include all or any part of a previous subdivision or plat.

27. Residential streets: Streets which are to provide access to individual properties.

28. Street: A right of way, dedicated to and accepted for the public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place or other appropriate name. A street may also be identified according to type of use.

29. Street plan: The part of the comprehensive plan which sets forth the location, alignment, dimensions, identification and classification of existing and proposed public streets, highways and other thoroughfares.

30. Subdividers: Any person, individual, firm partnership, association, corporation, estate, trust or any other group including any agent thereof or combination acting as a unit, engaged in developing or improving a tract of land which complies with the definition of a "subdivision" as defined herein

31. Subdivision: For the purpose of this chapter, a subdivision of land is either:

- a. The division of land into three (3) or more tracts, sites or parcels

b. Establishment or dedication of a road, highway, street, alley, place or private drive through a tract of land regardless of area.

c. Resubdivisions or replats of land heretofore divided or platted into lots, sites or parcels; however, the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, nor place said lots in nonconformance with the provisions of the zoning ordinance or this chapter, shall not be considered as a subdivision of land.

d. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the allocation of land for common use by owners, occupants or leaseholders.

32. 2-year storm: Three and one-tenth (3.1) inches of rain falling in a twenty-four (24) hour period.

33. 5-year storm: Three and nine-tenths (3.9) inches of rain falling in a twenty-four (24) hour period.

34. 10-year storm: Four and five-tenths (4.5) inches of rain falling in a twenty-four (24) hour period.

35. 25-year storm: Five and three-tenths (5.3) inches of rain falling in a twenty-four (24) hour period.

36. 50-year storm: Five and six-tenths (5.6) inches of rain falling in a twenty-four (24) hour period.

37. 100-year storm: Six and four-tenths (6.4) inches of rain falling in a twenty-four (24) hour period.

6-7-3 PLATTING REQUIRED, COUNCIL APPROVAL REQUIRED.

1. Plat Required. It is unlawful for any owner, agent or person having control of any land within the corporate limits of the City or within two (2) miles of its corporate limits to subdivide or lay out such land into blocks, lots, streets, avenues, alleys, public ways and grounds unless by plat in accordance with the laws of the State of Iowa and the provisions of this chapter. A development or subdivision solely for agricultural purposes, i.e., farming, is excluded from this requirement. The Council may, by resolution, waive its right to review subdivisions located within two (2) miles of its corporate limit. In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this chapter. The owner and subdivider of any subdivision shall comply with the requirement for a preliminary plat and the requirements for a final plat.

2. Planning Consultation; Factors for Consideration.

a. In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the commission, the city engineer and other public officials prior to the preparation of the tentative plan of the subdivision. The comprehensive plan should be reviewed to determine how the proposed plan will fit into the comprehensive plan.

b. Requirements of the street plan; school and recreational sites; shopping centers, community facilities; sanitation; water supply, drainage and erosion; and, relationship to other developments, existing and proposed in the vicinity, should be determined in advance of the preparation of the subdivision plan. Consultation should also be held with those familiar with the economic factors affecting the subdivision. A thorough estimate of the situation will result in sound decisions with respect to the form, character and extent of the proposed subdivision.

c. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be considered by the commission to be unsuitable for each such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.

3. Variances; Basis for Consideration; Justification.

a. Where the subdivider can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Planning and Zoning, because of topographical or other conditions peculiar to the site or density, a departure may be

made without destroying the intent of such provision, then the Planning and Zoning, may authorize a variance. Any variance recommended by the Planning and Zoning, is required to be entered in writing in the minutes of the Planning and Zoning, and the reasoning on which the departure was justified shall be set forth.

4. Failure to Comply with Chapter; Building Permits; Exceptions. The building inspector shall not issue building, repair, temporary occupancy or permanent occupancy permits for any structure located on a lot in any subdivision within the city, the plat of which has not been approved in accordance with the provisions of this chapter, except:

a. Agricultural building improvements to agricultural property zoned A-1 agricultural district.

b. Residential lots zoned R-1 or R-2 single-family residence district, where said lots were created prior to adoption of Ordinance 150 in 1957 and the original boundaries of said lots have not been changed, except by condemnation.

c. Upon the findings and determination by the city council that none of the public benefits or need intended by this chapter or by Chapter 354 of the 2011 State Code of Iowa would be gained by requiring compliance with the terms of this chapter.

d. The council may authorize the issuance of a building permit for a tract prior to the council's final approval of the plat thereof where the applicant provides a restrictive covenant that the applicant will obtain final council approval of the plat prior to any temporary or final occupancy or use of the building authorized by the permit. Said covenant shall be in a form suitable for recording and be approved by the city attorney.

5. Public Improvements Not to be Made in Nonconforming Subdivisions. The council shall not permit public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided, unless the subdivision or street has been approved in accordance with the provisions of this chapter except as provided for in subsection 6-7-3(4)(b) of this chapter.

6. Acceptance of Street Dedications. No street in any subdivision shall be officially accepted by the council for the improvement and maintenance thereof until the minimum

improvements required by this chapter have been made either by the subdivider or by the abutting property owners.

7. Changes and Amendments; Prerequisites; Procedure. Any regulation or provision of this chapter may be changed and amended from time to time by the council. Such changes or amendments shall not become effective until after study and report by the commission and after a public hearing has been held by the council, public notice of which shall be given in such newspaper of general circulation not less than (4) days but not more than twenty (20) days prior to the date set for said hearing. Approval of a change or amendment by council shall be by ordinance.

#### 6-7-4 PRELIMINARY PLATS

##### 1. When Required; Submission Generally.

a. Whenever the owner of any tract or parcel of land within the corporate limits of the city or within two (2) miles of its corporate limits wishes to make a subdivision of the property, he shall cause to be prepared a preliminary plat of the subdivision and shall submit five (5) copies of the preliminary plat along with other information prescribed in this article to the commission for its preliminary study and action.

b. The commission may waive in full or in part the requirements that a preliminary plat be filed under any of the following conditions:

(1) A plat consisting of one lot.

(2) A plat where the subdivider's entire tract is included within a final plat filed with the commission.

(3) A replat.

##### 2. Application for Preliminary Approval; Submission; Contents; Fee.



a. A subdivider desiring preliminary approval of a plat of a subdivision of any land lying within the city, shall submit a written application therefor to the commission. The application form provided by the city shall be accompanied by six (6) copies of the following information and plans: A location map which need not be a special drawing; the date may be shown on available city maps. The location map shall show:

- (1) The subdivision name and its location.
- (2) Major thoroughfares related to the subdivision.
- (3) Public transportation lines.
- (4) Main shopping center.
- (5) Community or neighborhood stores.
- (6) Elementary and high schools.
- (7) Parks and playgrounds.
- (8) Other community features.
- (9) Title, scale, north point and date.

b. A site map showing:

(1) Topographical data in one of the following forms, which shall be determined by the commission during preliminary consideration of the plan:

(a) A contour map with contours at intervals of two (2) feet, if the general slope of the site is less than ten (10) percent, and at vertical intervals of five (5) feet if the general slope is greater than ten (10) percent.

(b) A land inspection sketch showing terrain features, wooded areas, buildings and other natural or artificial features which would effect the plan of the subdivision.

(2) Tract boundary lines, showing dimensions, bearings, angles, and references to section, township and range lines or corners.

(3) Streets and right of way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and width of pavements, curbs, driveways, location of streetlights, sidewalks, tree planting and other pertinent data.

(4) Easements, including locations, widths and purposes.

(5) Utilities, including sanitary and storm sewers, other drainage facilities; water lines; gas mains; electric utilities and other facilities. The size or capacity of each should be shown and the locations of distance to each existing utility indicated.

(6) The location of street light standards.

(7) The zoning of the site and adjoining property.

(8) Existing or proposed platting of adjacent land within three hundred (300) feet of the subdivision.

(9) Other features or conditions which would affect the subdivision favorable or adversely.

(10) Title, scale, north point and date.

(11) Location and elevation of all benchmarks. All vertical datum shall be based on the 1912 Geodetic Survey. Benchmarks are available at the City Engineer's Office. The 1929 Geodetic Survey shall be used to establish elevation certificates.

c. A preliminary plat of the subdivision, drawn to scale of fifty (50) feet to one inch or one hundred (100) feet to one inch; however, if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale as recommended by the city engineer or the commission may be used. The preliminary plan shall show:

(1) The proposed name of the subdivision.

(2) The names and addresses of owner, the subdivider, and the city planner, land planning consultant, engineer or surveyor, who prepared the plan.

(3) A street pattern showing the names, which shall not duplicate names of other streets in the community except in cases of extensions of existing streets, and the widths of rights of way of streets, and widths of crosswalks, easements or alleys.

(4) The layout of the lots, showing dimensions and numbers. The square foot area of each lot with irregular sides and are not rectangular; the block number, if required and distances, radii and chords.

(5) The parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semipublic or community purposes.

(6) The building setback or front yard lines.

(7) The key plan legend and notes.

(8) The scale, north point and date.

d. The information called for in subsections (b) and (c) of this section may be submitted as one or two (2) maps or plans.

e. Preliminary engineering plans showing:

(1) Profiles, typical cross sections and specifications for proposed street improvements.

(2) Profiles, locations and other explanatory data concerning the installation of storm sewer systems, and public, quasi-public or private sanitary sewerage and/or water distribution systems.

(3) All private sanitary sewer systems shall have the prior approval of the city engineer that said system will be compatible for connection to a public sanitary sewer outlet when available.

f. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.

g. Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. Reference should be made to the comprehensive plan for suggestions as to the general street pattern and design of the neighborhood. Wherever possible all of the property owners within the neighborhood should endeavor to agree upon a general plan for its development, in order that such subdivision may be designed as an integral part of a well considered overall plan.

h. The application shall be accompanied by a Filing Fee (certified check or money order) payable to the city in the amount of three hundred dollars (\$300.00).

3. Preliminary Approval: Action By The Commission And The Council; Time For Action; Effect Of Approval; Filing Of Copies.

a. Within thirty (30) days after the commission meeting next following submission to the clerk of an application for approval of a plat of a subdivision, the commission shall review the application and shall study the preliminary plat to see if it conforms to the minimum standards and requirements outlined in this chapter, and shall approve or reject the plat within sixty (60) days after submission of the application to the commission.

b. If the commission does not act within sixty (60) days after the application for preliminary approval is submitted to the commission, the preliminary plat shall be deemed to be approved. Said sixty (60) day time period shall begin when all required preliminary plats, plans and documents have been received by the city. The subdivider may agree to an extension of time. The commission shall submit its recommendations to the council for its action in writing. The approval of the preliminary plat by the council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat.

c. One copy of the preliminary plat approved by the council and signed by the mayor and the clerk shall be retained in the clerk's office and one copy shall be retained in the office of the commission. One copy shall be authorization for the subdivider to proceed with the preparation of the final plat.

4. Time Limit On Preliminary Approval. Approval of the preliminary plat shall be effective for a period of eighteen (18) months unless, upon request of the applicant, the council grants and extension. The final plat shall be submitted to the clerk and, if it is not received within eighteen (18) months, all previous actions by the council with respect to the plat shall be deemed to be null and void.

5. Conformance Required. The preliminary plat of the subdivision shall conform to the principles and standards of design established in this article, including plats located within two (2) miles of the city corporate limits.

6. Comprehensive Plan. The subdivision plan shall conform to the principles and standards which are generally exhibited in the comprehensive plan.

7. Street And Alleys.

a. Proposed streets should be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

b. The street and alley layout shall conform to the street plan for the development of the neighborhood in which the proposed subdivision is located and shall provide access to all lots and parcels of land within the subdivision. Where streets cross other streets, jogs shall not be created. The minimum distance between centerlines of parallel, or approximately parallel, streets intersecting a cross street should be one hundred twenty-five (125) feet.

c. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

d. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

e. The widths of streets shall conform to the widths specified in this chapter according to type of use. The minimum right-of-way widths of arterial and collector streets being eighty (80) feet. The paved width for arterial and collector streets shall be determined by the city engineer. Residential streets, which have a paved width of thirty-one (31) feet or more approved by the council, shall have a minimum right of way width of fifty (50) feet. Any exceptions will need the approval from the planning and zoning commission and the city council. Cul-de-sacs shall have a minimum right of way radius of fifty (50) feet and shall be paved a minimum of forty (40) feet measured back of curb to center point of the turnaround.

In areas zoned exclusively for single-family residences, cul-de-sacs not more than one thousand (1,000) feet in length and loop streets or circle drives not more than one thousand (1,000) feet in length may be paved a minimum of thirty-one (31) feet in width, measured back of the curb to back of curb, if there is adequate off street parking and the council approves. All measurements shall be made along the centerline of the cul-de-sac, circle drive or loop street right of way. Length shall be determined by measuring from the centerline of an intersecting street to the centerline of the intersecting street for a loop street or circle drive, or from the centerline of the intersecting street to the center of the cul-de-sac.

f. Alleys shall be discouraged in residential districts, but should be included in commercial and industrial areas where needed for loading, unloading or access purposes. Where platted, alley right of way widths shall be at least twenty-five (25) feet.

- g. The centerlines of streets should intersect as nearly at right angles as is possible.
- h. Where an alley intersects a street property line, corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
- i. At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs. Back of curb radii shall be not less than twenty-five (25) feet.
- j. If the smaller angle of intersection of two (2) streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines and back of curb shall be increased as deemed advisable by the commission.
- k. Intersections of more than two (2) streets at one point shall be avoided.
- l. Whenever the proposed subdivision contains or is adjacent to a highway designated as a controlled access highway by the appropriate highway authorities, provisions shall be made for a marginal access street, a parallel street at a distance acceptable for the appropriate use of the land between the highway and such parallel street, to the limiting of access, where possible and practical, to said street by restrictive covenant. Whenever the proposed subdivision contains or is adjacent to a street designated as a secondary street or as a primary street in the street plan, provisions may be made of limiting access, where possible and practical, to said street by restrictive covenant.
- m. The minimum length of vertical curves, expressed in feet, to permit adequate stopping sight distance on all streets shall be established along the centerline of such streets as follows:
  - (1) On arterial streets: Seventy-six (76) multiplied by the percent algebraic difference of grades.
  - (2) Feeder or collector streets: Forty (40) multiplied by the percent algebraic difference of grades.

(3) Residential streets: Twenty-nine (29) multiplied by the percent algebraic difference of grades.

n. Curvature measured along the centerline shall have a minimum radius as follows:

(1) Limited access highways: One thousand eight hundred forty-six (1,846) feet.

(2) Arterial streets: Nine hundred thirty (930) feet.

(3) Parkways: seven hundred ten (710) feet.

(4) Feeder streets: five hundred twenty-five (525) feet.

(5) Residential streets: One hundred (100) feet.

o. An option is open to use superelevation with reduced curve radii on curves, subject to the review and approval of the city engineer.

p. Between reversed curves on arterial streets a tangent of not less than two hundred (200) feet shall be provided and on feeder and residential streets such a tangent shall be not less than one hundred (100) feet.

q. Maximum or minimum grades:

(1) Arterial streets, not greater than four (4) percent.

(2) Feeder and residential streets, not greater than eight (8) percent.



(3) The minimum grade of any street gutter and alley inverted crown shall not be less than five-tenths (0.5) percent, unless a lesser grade is specifically authorized in writing by the city engineer.

(4) In approaching intersections, there shall be a suitable leveling of the street at the grade, generally not exceeding four (4) percent and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersecting street. The grade within the intersection shall be as level as possible permitting proper drainage.

r. The design of the intersection shall be such that a clear sight distance will be maintained in accordance with the Iowa Department of Transportation Design Manual, Chapter 6A-4, Horizontal Sight Distance at Intersections.

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

## 8. Blocks.

a. Blocks shall not be less than five hundred (500) feet or longer than one thousand (1,000) feet in length.

b. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or arterial street.

## 9. Lots.

a. All lots shall abut on a street or place.

b. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

c. Double frontage lots should not be platted, except that where desired along arterial, limited access highways or streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip is used for a screen, at least twenty (20) feet in width shall be provided along the back of the lot.

d. Prior to the approval of a preliminary plat of an area where a public sanitary sewer outlet and/or a public water supply are not available, the commission shall receive certification from a professional engineer, registered in accordance with the applicable provisions of the Code of Iowa, that lot size, soil conditions, area and topography within said subdivision are suitable for the installation of private or quasi-public sewage treatment and disposal systems and/or water well systems in accordance with the applicable State of Iowa and Clinton County Board of Health laws, rules and regulations governing the installation of such systems. Said certification shall provide proof that the Clinton County Board of Health has reviewed and approved the methods and determination of the certification. Where a public sanitary sewer outlet and a public water supply are available to the entire subdivision, the widths and areas of lots shall be not less than provided in the zoning regulations of the city for the district in which the subdivision is located.

e. The depth-to-width ratio of the usable area of a lot shall be at a maximum of 3.0:1.0.

f. Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

g. Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for unrestricted commercial use.

h. No strip of land shall be reserved by the subdivider unless the tract is of sufficient size and shape to be of some practical use or service as determined by the commission and council.

i. The land contour of all lots shall contain a building site with an elevation of sufficient height to permit construction of the lowest habitable floor of a building one foot above a 100-year flood level.

## 10. Easements.

a. Where alleys are not provided, easements for utilities shall be provided. The easements shall have minimum widths of fifteen (15) feet, and where located along lot lines, one-half (1/2) the width shall be taken from each lot. Before determining the location of easements, the plan shall be approved by the local public utility companies to assure the proper placement of the easements for the installation of such services.

b. Easements along Streams and Watercourses. Whenever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City an easement along said streams and watercourses meeting the approval of the Plan Commission.

11. Building Setback Lines. Building setback lines shall be established as required by the zoning ordinance of the city.

12. Land For Public Purposes. Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the comprehensive plan, or where such sites appear to be desirable, the commission may request their dedication for such purposes, or their reservation for a period of one year following the date of the approval of the plat.

13. Areas Subject To 100-Year Flood Frequency. All subdivisions located or partially located below the 100-year flood frequency elevation which contain three (3) acres or two (2) lots, whichever is less, shall note the location of the 100-year flood frequency area and the elevation.

14. Watercourses. Flood-carrying capacity within an altered or relocated portion of any watercourses shall be maintained. The applicant will notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse.

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

## 6-7-5 FINAL PLATS

### 1. Requirements.

a. Extent Of Plat: The final plat may include all or only a part of the approved preliminary plat.

b. Format: The original drawing of the final plat of the subdivision shall be drawn to a scale of fifty (50) feet to one inch; however, if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one inch may be used. Ten (10) black or blue line prints shall be submitted with the original final plat.

c. Engineering Plans: Detailed engineering drawings and construction plans, prepared by and certified to by a registered professional engineer, in accordance with the provisions of the latest revision of the city's standard specifications and standard drawings for construction and including the standards of improvements contained herein, shall be submitted to the city for review. Said engineering plans shall be approved by the director of public works or the director's designee. Such approval must be obtained prior to construction of the improvements.

d. Data On Plat: The following basic information shall be shown on the final plat:

(1) Accurate exterior boundary lines of the subdivision and the lots, with dimensions and bearings which provide a survey of the same closing with an error of not more than one foot in ten thousand (10,000) feet for the subdivision and one foot in five thousand (5,000) feet for any lot.

(2) Accurate distances and bearings from the subdivision to some corner of the congressional division of which the addition is a part. Reference corners shall be accurately described on the plat.

(3) Accurate distances and bearings of all existing, recorded or proposed streets and alleys intersecting or within the boundaries of the subdivision.

(4) Identification of all adjoining properties by subdivision name or name of property owner.

(5) Signature blocks for the approval signature of the mayor and city clerk, the chairman of the planning and zoning commission and the utility companies.

(6) Street names.

(7) Complete curve notes for all curves in the subdivision including radius, central angle, tangent, length of curve, length of chord and chord bearing information.

(8) Street and alley lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.

(9) Lot numbers, dimensions and areas (in acres).

(10) The purpose of, accurate location of, and any limitation on easements for utilities including streetlights.

(11) The application shall be accompanied by a Filing Fee (certified check or money order) payable to the city in the amount of two hundred dollars (\$200.00).

(12) Building setback lines and dimensions.

(13) Location, type, material and size of all monuments and markers.

(14) The subdivision name and number designated in bold letters at the top of each plat.

(15) The name and address of the owner and subdivider.

(16) The north point, scale (illustrated by a bar scale), date and acreage of the tract.

(17) Certification by an Iowa registered land surveyor that the plat is a true and correct representation of the lands surveyed, said certification being accompanied by the surveyor's signature, seal and registration number.

(18) Private restrictive covenants and their period of existence, which may be attached thereto and by reference be made a part thereof.

(19) 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.

## 2. Documents To Be Submitted With Final Plat.

a. When the final plat is submitted to the council, it shall be accompanied by the following instruments, which will be current within thirty (30) days prior to the date of the council's approval:

(1) An attorney's legal opinion placing the fee title, free from unbonded encumbrances, in the owner. The attorney shall also identify the name or holder of any mortgage lien, judgment, or other encumbrances on the land being platted. No dedication of public way shall be accepted by the city until the persons identified in the attorney's certificate to the city has either agreed to release any encumbrance on the land to be dedicated, or the owner submits an irrevocable bond payable to the city in an amount equal to twice the value of the encumbrance, to guarantee the release of the encumbrance at the time the city chooses. Utility easements shall not be construed to be encumbrances for the purpose of this section. In the event the subdivision plat contains no land for public use other than utility easements, the treasurer's certificate listed in section 6-7-5(2)(a)(4) need not include a statement on special assessments.

(2) A statement from the mortgage holders and lien holders, if any, that the plat is prepared with their free consent and in accordance with their desires, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. In lieu of such consent, the owner may provide an affidavit and bond as provided in Chapter 354.12 of the 2011 State Code

of Iowa. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City of Clinton or dedicated to the public.

(3) A certificate by the owner of the property and spouse, if any, that the subdivision as it appears on the plat is with free consent, and is in accord with the desire of said owner and spouse, dedicating the streets and other public ways shown on the plat, agreeing to abide by the setbacks required in the city code at the time any building permit is obtained, declaring the limitation on easements and providing for and restrictive covenants needed of requested.

(4) A certificate from the county treasurer that the land is free from certified taxes and that the certified special assessments are secured by a bond in compliance with Section 354.12 of the 2011 State Code of Iowa.

(5) One of the following:

(a) A certificate bearing the approval of the city engineer, stating that all improvements and installations to the subdivision required by this article have been made or installed in accordance with specifications.

(b) Bonds

1) A performance bond or bonds with the city, which will insure to the city that the subdivision improvements will be completed by the subdivider within two (2) years after council acceptance of the plat and a maintenance bond or bonds, from all the subdivider's contractors, with the city which will insure to the city that said improvements will be maintained in good and suitable condition for a period of two (2) years after council acceptance of the construction.

2) The term "maintain" or "maintained" shall be defined as pertaining to the repairs which shall become necessary because of defective or faulty workmanship or materials in the improvement completed by the subdivider and/or his contractors.

3) The form and type of a performance bond or bonds shall be approved by the city attorney and the finance committee of the city, and the amount of any bond shall not be

less than the estimated cost of the improvements, and the amount of any performance or maintenance bond shall be approved by the city engineer. If the improvements are not completed or maintained within the specified times, the council may use the bond or bonds or any necessary portion thereof to complete or maintain the improvements.

(c) A waiver to the council to provide the subdivision improvements required with the final plat and to assess the cost thereof against the subdivided property in accordance with the law regarding special assessments. However, the subdivider or property owners shall be responsible for any difference between the cost of the improvements and the amount that can be legally assessed by the city against the subdivided property, and they shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement. Notwithstanding the assessment waiver, the subdivider or property owner may elect to construct the subdivision improvements, in which case all their contractors shall file with the city a maintenance bond as set forth in section 6-7-5(2)(a)(5)(b) above.

(6) A certificate from a registered land surveyor, including an accurate metes and bounds description of the addition.

(7) A resolution and certificate for approval by the council.

(8) The application shall be accompanied by a Filing Fee (certified check or money order) payable to the city in the amount of two hundred dollars (\$200.00).

(9) The application shall be made with an appropriate application form provided by the city.

3. Referral To Commission; Action By Commission; Council Action. Upon the receipt of the final plat by the clerk, it shall be referred to the commission for its review and recommendations. Said recommendation shall then be referred, in writing, to the council. If the commission does not approve the final plat of the subdivision, the council may approve the plat only by a three-fourths (3/4) vote of the entire membership of the council. Council approval of the final plat shall be by resolution. The council shall direct the mayor and the clerk to certify the resolution and affix it to the final plat. If the council rejects the final plat, it shall state, in the council minutes, wherein said final plat is objectionable. The council shall act on a final plat within sixty (60) days of the filing of all required final plat, engineering plans and legal instruments with the clerk.



4. Record Plat. Within sixty (60) days following the approval of the final plat by the city council, the applicant must record the final plat with the Clinton County Recorder. A filing fee of two hundred fifty dollars (\$250.00) will be required for any final plat that is not recorded within the sixty (60) day requirement that needs reapproval by the city council

5. Filing Copy of Recorded Plat. Within sixty (60) days following the approval of the final plat by the city council, applicant shall file with the city a copy of the recorded final plat and also file one original size reproducible mylar copy of the final plat.

6. Replats; Notification of Adjacent Property Owners. Whenever an existing platted lot or lots on ground zoned residential is replatted into two (2) or more lots, the property owner shall post a minimum of two (2) signs at least ten (10) days before the planning and zoning commission meeting date in such manner as directed by the zoning enforcement officer. In those cases where the director shall determine that by virtue of parcel size or configuration, two (2) signs would provide the public with insufficient notice of the proposal, additional signs may be directed to be posted.

Additionally, the City Clerk's Office shall provide mailed notice to each person owning property adjacent to or within two hundred (200) feet of the ground subject to replat, such notice to be mailed at least five (5) days prior to the meeting of the planning and zoning commission wherein such application for replat will be considered. The cost of any signs and mailed notice shall be charged in addition to the application fee, pursuant to guidelines established by resolution of council. If the signs are not posted as required above, the planning and zoning commission may delay action on the plat until the requirement is met. The signs shall be removed within seventy-two (72) hours after the planning and zoning commission meeting.

7. Conformance Required. The final plat of a subdivision shall conform to the standards of improvements established in this division.

8. Definition of the Phrase "The Subdivider Shall Provide".

a. In this division, the phrase "the subdivider shall provide" means that the subdivider shall install the facility referred to or, whenever a private sewage treatment and disposal system and/or private water well system is to be provided on a lot or parcel, that the subdivider shall

require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in this article shall be installed by the developer of the lot in accordance with these regulations.

b. All public, quasi-public or private sanitary sewer systems and/or water systems shall be installed in accordance with these regulations prior to occupancy of the buildings connected to said systems.

c. All other facilities referred to must be installed in accordance with these regulations prior to occupancy of the buildings.

d. Notwithstanding the provisions of subsection (c) of this section, occupancy permits may be granted where a cash bond is filed with the city clerk for incomplete subdivision improvements. The cash bond shall be on a form approved by the city attorney and shall be in the amount of one hundred fifty (150) percent of the cost of completing the remaining improvements. The exact amount of the cash bond and the date the bond may be called by the city if improvements are not completed shall be determined by the city engineer at his sole discretion. In addition, a waiver of liability shall be executed by the developer which shall hold the city and the public harmless for any damages that may be caused to yet unaccepted improvements by their use of incomplete facilities and shall be filed with the city clerk along with the cost of recording said waiver. No occupancy permit shall be granted where the total estimated cost of the incomplete subdivision improvements necessary to serve the lot exceeds twenty thousand dollars (\$20,000.00) or when, at the determination of the city engineer, the streets are inadequate to allow city services to be provided to the lot.

9. Standard Specifications Adopted. The type of materials and construction for improvements within subdivisions shall be in accordance with the city's standard specifications and standard drawings for construction in effect at the time of construction. Said specifications and standard drawings shall be revised at such time as the city deems appropriate and become effective on the following January first and remain in effect until revised. All revisions to the city's standard specifications and standard drawings shall be approved by the council on or before November first of each year and shall take effect the following January. Subdivisions receiving final approval of the council after November first, but before January first, may elect to use the new approved standard specifications and standard drawings.

10. Improvements: Compliance With Standard Plans; Supervision of Construction; Inspection; Cost of Inspection.

a. The public improvements, place or private drive improvements, and private sanitary sewer system improvements required in all subdivisions shall be designed, constructed and inspected in accordance with this section, and with the city's standard specifications and standard drawings in effect at the time of construction or the newly approved standard drawings as stated in section **6-7-5(9)**.

(1) Construction, supervision, inspection and testing of improvements mentioned in subsection (a) of this section shall all be performed under the direction of the city engineer or by the qualified engineer or inspection and testing laboratory as selected by the city engineer. The city engineer may consult with the soil conservation district on erosion control.

(2) The inspecting agency shall submit daily reports to the city engineer, on forms approved or furnished by him, certifying compliance of all construction performed with the city's standard plans and specifications.

(3) The city shall pay the expenses of inspections, and the subdivider or property owner shall reimburse the city for the expenses within sixty (60) days after the final bill therefore is submitted; payment shall be made to the city treasurer. Interest charges, of the maximum allowed by law, will be levied on all unpaid balances after the sixty (60) day time period has elapsed.

b. The private or quasi-public sewage treatment and disposal systems and water well systems required in any subdivision shall be designed and constructed in accordance with standard State of Iowa and Clinton County Board of Health laws, rules and regulations.

(1) Construction, inspection and testing of improvements mentioned in (b) of this section shall be performed under the direction of the Clinton County Board of Health.

11. Improvement Credit; Procedure Established. Upon the installation of improvements required by this article, which may provide benefits to other properties in the vicinity of the land to be subdivided, which cross or adjoin other properties and can be used by such properties, the subdivider and the city may, by contract, agree that upon the connection or use of the installations made by the subdivider by others, within a period of ten (10) years following their installation, the new user or users shall pay to the city a fee in an amount agreed upon by the subdivider and the city, the amount of such fee to be credited to and paid to the subdivider.

## 12. Monuments and Markers.

a. The subdivider shall provide monuments and markers placed so that the cap shall coincide exactly with the intersection or lines to be marked, and they shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

b. Monuments shall be set:

(1) At the intersection of all lines forming angles in the boundary of the subdivision.

(2) At every point of intersection of the outer boundary of the subdivision with an existing or created street, railroad or other right-of-way line.

c. Markers shall be set:

(1) At the beginning and end of all curves along street property lines.

(2) At all points where lot lines intersect curves along street property lines.

(3) At all angles in property lines of lots.

(4) At all other lot corners not established by a monument.

d. Monuments shall be of concrete or stone, with a minimum diameter of six (6) inches and a minimum of three (3) feet. Markers shall consist of iron pipes or iron or steel bars at least three (3) feet long, and not less than five-eighths ( $5/8$ ) inch in diameter. Both monuments and markers shall have a cap affixed to the top of the same that is capable of being detected by magnetic or electronic equipment and is made of a reasonably inert material, bearing an embossed or stencil-cut marking of the Iowa registration number of the registered land surveyor that prepared the survey.

e. Where any point requiring a monument or marker has been previously established by and existing monument or marker, the existence and accuracy of the same shall be confirmed by the registered land survey surveyor and properly shown and described on the final plat for use in lieu of setting a new monument or marker.

### 13. Sewers and Sewage Disposal.

a. The subdivider shall provide the subdivision with a complete public sanitary sewer system adjacent to each lot in his subdivision, which shall connect with a public sanitary sewer outlet.

b. In areas where a public sanitary sewer outlet is not available, the subdivider shall provide a private sanitary sewer system adjacent to each lot in his subdivision and a private or quasi-public sewage treatment and disposal system to serve each lot.

(1) Maintenance and repair of private sanitary sewer systems constructed in accordance with the provisions of this article shall be the responsibility of the subdivider or a duly constituted homeowners' association until such time as it is connected to a public sanitary sewer outlet. At the time of connection, said private sanitary sewer system shall be dedicated to the city and become a public sanitary sewer system. Said private or quasi-public sewage treatment disposal systems shall not be dedicated to or maintained by the city and shall remain the responsibility of the property owner, subdivider or duly constituted homeowners' association to properly abandon in accordance with the applicable standard state of Iowa and Clinton County board of health laws, rules and regulations.

(2) Persons making connection to said private sanitary sewer system mentioned in this article shall pay all sewer connection fees and conform with all requirements of this code dealing with public sanitary sewer connections.

c. The option is available for the subdivider to use a temporary public lift station and force main in conjunction with a public sanitary sewer system to connect to a public sanitary sewer outlet if it can be established, to the satisfaction of the city engineer, that both the existing and proposed sewerage systems are adequate and feasible through the engineering considerations of construction, maintenance and operation.

d. Sanitary sewers whether part of a public or private system, shall be laid in an easement and located approximately seven and one-half (7 ½) feet inside the property line. Sewers shall be located on the east and south sides of the street, or the opposite side of the street from water mains, if already in place.

e. The plans for the installation of either a public or private sanitary sewer system shall be prepared by the subdivider and approved by the city engineer and the Iowa department of water, air and waste shall be filed with the city engineer.

#### 14. Water.

a. The subdivider shall provide the subdivision with a complete public water supply. When a public water supply is not available, the subdivider shall provide a private or quasi-public water well system on or to each lot in the subdivision.

b. Water mains provided by a private enterprise shall be laid in an easement and located approximately seven and one-half (7 ½) feet inside the property line. Water mains shall be located on the west and north sides of the street, or the opposite side of the street from sanitary sewer lines, if already in place.

c. Fire hydrants in residential area shall not exceed a spacing of four hundred (400) feet. Fire hydrants should be installed at intersections of streets where possible. There shall be a minimum of one fire hydrant in a cul-de-sac. If two (2) or more hydrants are required due to the length of the cul-de-sac or the fire flow requirements as required by the fire code, one shall be placed at the end of the cul-de-sac and one shall be placed near the entrance of the cul-de-sac. Any other required hydrants, if any, shall be evenly spaced between the two (2) aforementioned hydrants.

#### 15. Storm Drainage.

a. The subdivider shall provide the subdivision with an adequate storm water sewer system when the evidence available to the commission and council indicates that the natural surface drainage is inadequate.

(1) Storm sewers shall, if practicable, be placed in either parkway between the curb and water main or sanitary sewer main, or in an easement.

(2) Storm drainage easements shall be provided where necessary.

(3) No person shall place or allow to be placed an accumulation of material, including, but not limited to, wood, concrete, stone, brush, grass clippings, or other debris that might block the flow of storm water in a storm drainage easement or could reasonably be expected to be carried downstream by such storm water to the detriment of either upstream or downstream property owners.

b. The plans for the installation of a storm drainage system shall be prepared by the subdivider and approved by the city engineer. Upon the completion of said storm sewer system, the plans for same, as built, shall be filed with the city engineer.

16. Curbs and Gutters. Curbs and gutters shall be constructed by the subdivider on both sides of all streets; however, the requirements of curbs and gutters may be waived at the discretion of the council.

17. Sidewalks. The subdivider shall provide sidewalks on both sides of all streets, places and cul-de-sacs.

18. Utilities Generally.

a. All gas, water, electrical, cable television, telephone or communication service or the use or maintenance of any associated structure such as poles, tower, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances provided as new installations to any area subdivided for residential and commercial purposes shall be placed underground except those services and associated structures listed hereunder as exceptions. The aforementioned services and associated structures provided as new installations to any area subdivided for industrial purposes shall be placed underground within any portion of the subdivision lying within one hundred (100) feet of an undeveloped residentially zoned area, or within one hundred (100) feet of a residentially zoned and developed area that is already served by said underground services, except those services and associated structures listed hereunder as exceptions. The subdivider shall be responsible for making arrangements with the appropriate utility company(ies)

for the proper installation of said underground services in accordance with the utility company's rules and regulation.

b. The following instances, with the conditions listed for each of them, may be considered exceptions to this section:

(1) Any of the aforementioned services with is considered by the utility company providing said service to be unfeasible in undergrounding due to inordinately high and unjustified cost, high voltage or topographic or soil conditions, can be provided overhead, upon approval by the city council.

(2) In the instance that a subdivision is developed adjacent to or abutting an existing development, and in such a way as the new development would normally share the primary feeder lines that have already been installed, and when those feeder lines have been installed overhead, the new development can use those feeder lines which do exist, providing that the service lines to the structures in the new development are installed underground, and providing that all additional necessary feeders are installed underground or in accordance with the provisions of this section.

c. The following specific facilities shall not be subject to the requirements of this section.

(1) Poles used exclusively for street lighting (not including wiring).

(2) When authorized by the city council, poles and overhead lines and associated overhead structures crossing or entering any portion of a district from which overhead wires have been prohibited and originating in an area in which these structures are allowed.

(3) Overhead lines attached to the exterior of a building by means of bracket or similar device and extending from one location on the building to another location on the same building.

(4) Radio antenna and associated structures and equipment used for furnishing communications service.



(5) Service terminals and necessary pad mounted electric equipment installed aboveground used to distribute telephone, cable television, gas, water, communication and electric service in underground systems.

(6) Transmission lines carrying a voltage of sixty-nine thousand (69,000) volts or above.

(7) All underground electric distribution circuits installed by the utility company for the purpose of distributing electrical current within the city shall be installed in accordance with the safety rules for the installation and maintenance of electric supply and communications lines, U.S. department of commerce, national bureau of standard.

#### 19. Street Improvements.

##### a. Conformance Required:

Street improvements shall be made in accordance with the provisions of this division after the approval of a final plat or prior to said approval if provided for in accordance with the provisions of the chapter. Place or private drive improvements shall be made in accordance with the provisions of this section and such improvements shall extend, as a minimum, from the street being constructed, re-constructed or repaired to the City right-of-way. Multi-family, shopping center, and industrial areas may have common vehicular use areas (accessways, service areas, driveways, loading areas, and parking spaces) if the parcel containing the vehicular use area is under one ownership. If the parcel has more than one owner or if the owners are adjacent to one another, agreements for cross easements and maintenance of vehicular use areas are required and must be provided at the time of final platting. The city will not maintain or repair vehicular use areas that are privately owned, even when such areas are generally available for public use.

##### b. Public Improvements Generally:

(1) All public or private improvements, including, but not limited to, public and private sanitary sewers, storm sewers, streets, alleys, and private drives or places, shall be constructed as setforth on the approved final subdivision plans and in accord with the city's standard specifications and drawings for construction in effect at the time of construction, and shall further conform to the provisions of section 6-7-5 of this Chapter.

(2) All platted rights of way which are not opened to traffic shall, prior to opening, follow the following procedure:

(a) Council by resolution shall authorize the opening of the right of way.

(b) Improvements necessary for public use shall be in place within a date certain as established in resolution authorizing the opening of the right of way.

(c) Improvement shall be constructed according to the standards as established in **subsection (1)** of this section.

c. Paving Requirements By Street Classification: The general street, private drive, and alley classifications with their respective minimum dimensions and characteristics shall be as follows:

(1) Arterial Streets Including Major Arterials And Primary Thoroughfares:

(a) Width Of Pavement: Forty (40) feet, measured back of curb to back of curb.

(b) Surfacing: Portland cement concrete paving. Asphalt cement concrete paving shall not be used.

(c) Pavement Thickness: Nine (9) inches of Portland cement concrete paving. Said requirement may be increased where the city engineer has determined that design analysis justifies additional thickness.

(2) Feeder Streets, Including Secondary Thoroughfares, Collector Streets, And Minor Arterials:

(a) Width Of Pavement: Thirty-six (36) feet, measured back of curb to back of curb.

(b) Surfacing: Portland cement concrete paving. Asphalt cement concrete paving shall not be used.

(c) Pavement Thickness: Eight (8) inches of Portland cement concrete unless in a commercial or industrial district, in which case the thickness shall be increased to nine (9) inches of Portland cement concrete. If, in the determination of the city engineer, a street near a commercial or industrial district could be reasonably expected to bear commercial or industrial traffic as a result of its proximity to that commercial or industrial district, its pavement thickness shall be increased to nine (9) inches of Portland cement concrete. Said requirement in or near a commercial or industrial district may be reduced to eight (8) inches of Portland cement concrete where the city engineer has determined that design analysis justifies less thickness.

(3) Residential Streets, Including Border Parkways, Private Drives, And Local Commercial Or Industrial Streets:

(a) Width Of Pavement: Thirty-one (31) feet, measured back of curb to back of curb, except as provided in subsection 6-7-4(7)(e) of this chapter. Cul-de-sac turnarounds shall have a paving radius of forty (40) feet, measured back of curb to center point of the turnaround.

(b) Surfacing:

1) Portland cement concrete paving.

2) Asphalt cement concrete paving with Portland cement concrete curb and gutter two and one-half (2 ½) feet wide and eight (8) inch thick apron. Asphalt cement concrete paving shall not be used in a commercial or industrial district. If, in the determination of the city engineer, the street near a commercial or industrial district could be reasonably expected to bear commercial or industrial traffic as a result of its proximity to that commercial or industrial district, its surfacing shall not be asphalt cement concrete paving.

(c) Pavement Thickness:

1) Seven (7) inches of Portland cement concrete unless in a commercial or industrial district, in which case the thickness shall be increased to (9) inches of Portland cement concrete. If, in the determination of the city engineer, a street near a commercial or industrial district could be reasonably expected to bear commercial or industrial traffic as a result of its proximity to that commercial or industrial district, its pavement thickness of Portland cement concrete shall be increased to nine (9) inches of Portland cement concrete. Said requirement in or near a commercial or industrial district may be reduced to seven (7) inches of Portland cement concrete where the city engineer has determined that design analysis justifies less thickness.

2) Asphalt cement concrete base course thickness of six (6) inches with an asphalt cement concrete surface course thickness of two (2) inches.

(4) Alleys:

(a) Width Of Pavement: Twenty (20) feet.

(b) Surfacing:

1) Portland cement concrete paving.

2) Asphalt cement concrete paving. Asphalt cement concrete paving shall not be used in a commercial or industrial district. If, in the determination of the city engineer, and alley near a commercial or industrial district could be reasonably expected to bear commercial or industrial traffic as a result of its proximity to that commercial or industrial district, its surfacing shall not be asphalt cement concrete paving.

(c) Pavement Thickness:

1) Seven (7) inches of Portland cement concrete unless in a commercial or industrial district, in which case the thickness shall be increased to nine (9) inches of Portland cement concrete. If, in the determination of the city engineer, an alley near a commercial district could be reasonably expected to bear commercial traffic as a result of its proximity that commercial district, its pavement thickness of Portland cement concrete shall be increased to nine (9) inches of Portland cement concrete. Said requirement in or near a commercial district may be reduced to

seven (7) inches of Portland cement concrete where the city engineer has determined that design analysis justifies less thickness.

2) Asphalt cement concrete base course thickness of six (6) inches with an asphalt cement concrete surface course thickness of two (2) inches.

d. Minimum Pavement Width And Thickness Costs To Be Paid By Subdivider; When City Will Share Costs:

(1) The subdivider shall provide the full width of pavement on all streets, private drives or alleys within the subdivision, or the cost equivalent thereof, in accordance with the minimum requirements as specified in section 6-7-5. The subdivider on each side of a street, private drive or alley shall provide one-half ( $\frac{1}{2}$ ) the width of the pavement on all streets, private drives or alleys, both existing and proposed, immediately adjacent to the subdivision, or the cost equivalent thereof, in accordance with the minimum requirements as specified in section 6-7-5. In the city's sole option, the developer may be required to pay an amount equal to the cost of paving as provided by current assessment policy, which shall hold such funds until the adjacent street, private drive, or alley is paved. All costs held pursuant to this section shall be the total cost required of any developer or subsequent purchaser of the development for such paving. The cost of such paving shall be determined by averaging three (3) legitimate bids. If a side of a street, private drive or alley is zoned as a single-family residence district exclusively, and circumstances require the width of pavement for the street, private drive or alley to be in excess of thirty-one (31) feet, the city shall pay for the extra width of pavement on one-half ( $\frac{1}{2}$ ) the width of pavement for the street, private drive or alley immediately adjacent to that single-family residence district, or the equivalent cost thereof, in accordance with the minimum requirements as specified in section 6-7-5.

(2) The subdivider on each side of a street, private drive or alley shall provide the full pavement thickness on all streets, private drives or alleys in or immediately adjacent to the subdivision, or the equivalent cost thereof, in accordance with the minimum requirements as specified in section 6-7-5. If a side of a street, private drive or alley is zoned as a residential district and circumstances require the pavement thickness for the street, private drive or alley to be in excess of seven (7) inches of Portland cement concrete or eight (8) inches of asphalt cement concrete, the city shall pay for the extra pavement thickness on one-half ( $\frac{1}{2}$ ) the width of pavement for the street, private drive or alley immediately adjacent to that residential district, or the cost equivalent thereof, in accordance with the minimum requirements as specified in section 6-7-5.

(3) All final plats approved by the council after the effective date of subsection 6-7-5(19)(d)(1) shall be subject to the requirements of that subsection. All final plats approved by the council prior to the effective date of subsection 6-7-5(19)(d)(1) shall be subject to the requirements of the section in effect prior to the effective date of that subsection. All final plats approved by the council prior to or after the effective date of subsection 6-7-5(19)(d)(2) shall be subject to the requirements of that subsection.

(4) Notwithstanding the above, when a property owner plats ground as required pursuant to section 6-7-3 this code, and no property division into lots results from the platting, the council shall not require compliance with subsection 6-7-5(19)(d)(1).

(5) Developers shall provide an approved drainable base material under the following typical local streets:

(a) Seven (7) inch Portland cement concrete or eight (8) inch asphaltic cement concrete paving.

(b) Six (6) inch drainable base (without engineering fabric) with four (4) inch drainage tile along both sides in accordance with city specifications.

(c) Developers may choose to employ a parabolic crown or straight crown on local streets.

## 20. Forms.

a. Generally: The forms set out in this division shall be used are required in conjunction with final plats.

b. Council Resolution: The council resolutions shall be as follows:

We, (name), Mayor, and (name), City Clerk of the City of Camanche, Iowa, do hereby certify that the following resolution was adopted by the City Council of the City of Camanche, Iowa, at a regular meeting held on (month, day), (year) :

“RESOLVED by the City Council of Camanche, Iowa, that the final plat of (name of subdivision) , an addition to the City of Camanche, Iowa, as filed with the City Clerk by (name of owner and/or subdivider) , be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed and the Mayor and City Clerk of said City be and they hereby are authorized and directed to certify the adoption of this resolution on said plat as required by law.”

DATED at Camanche, Iowa, this (date) day of (month) , (year) .

Mayor of the City of Camanche, Iowa

(SEAL)

ATTEST:

(name)

City Clerk

c. Final Plat Certificate:

Each final plat submitted to the council for approval shall carry a certificate signed by a registered land surveyor in substantially the following form:

I, (name) , hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Iowa; that this plat of (name of addition) an addition to the City of Camanche, Iowa, correctly represents a survey completed by me on (date) ; that all of the monuments and pins shown thereon (will exist by (date) as required by the Code of Iowa) (do exist) and that their location, size, type and material accurately shown; and that the correct metes and bounds description of said addition is as follows:

(SEAL)

(signature)

(registration number)

d. Certificate of Owner:

Each final plat submitted to the commission and the council for approval shall carry a certificate of owner in substantially the following form:

We the undersigned (name) , owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

This subdivision shall be known and designated as (name of subdivision) , an addition to the City of Camanche, Iowa. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front yard building setback lines shall be in conformance with the City Code requirements on setbacks as they do or may exist at the time any building permit is received. Within the area between the building setback line and the property line of the street, no building or structure shall be erected or maintained. A perpetual easement is hereby granted to any local public utility or municipal department, their successors and assigns, within the area shown on the plat and marked as an easement, to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires with all necessary braces, guys, anchors, manholes and other equipment for the purpose of serving the subdivision and other property with the underground telephone, storm sewer, cable television, electric, gas, sanitary sewer, water or other service as a part of the respective utility systems; (further, an overhead easement is hereby granted for those overhead utilities in existence at the time of this platting); also is granted, subject to the prior rights of the public therein, the right to use the streets and lots with underground service lines to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent buildings or trees shall be placed on said area as shown on the plat and marked "easement," but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or the rights herein granted.



(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the commission or council, important provisions are those specifying the use to be made of the property, the minimum habitable floor area of a residence, any limitation on access to streets, minimum basement floor elevations or first floor elevations where basements are not provided in areas subject to flooding, or minimum number of off-street parking spaces.)

The foregoing covenants or restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, (year) (a 25-year period is suggested), at which time said covenants or restrictions shall be automatically extended for successive periods of ten (10) years unless changed by a vote of a majority of the then owners of the building sites covered by these covenants or restrictions.

The right to enforce these Restrictive Covenants by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is reserved to the several owners of the several lots in this subdivision and to their heirs and assigns and to the City of Camanche if specifically noted as a provision of a Covenant.

Witness our Hands (and Seals) this (date) day of (month) , (year) .

(husband)

(wife)

Or

(office)

(SEAL)

(office)

State of Iowa )

) ss:

County of Clinton )

(SEAL)

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name) , (name) , (name) and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed. Witness my hand and notarial seal this (date) day of (month) , (year) .

(SEAL)

Notary Public

Or

State of Iowa )

) ss:

County of Clinton )

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name) and (name) to me personally known, who being by me duly sworn did say that they are the (office) and (office) respectively of said corporation executing the within and foregoing instrument, (no seal has been procured by the said) (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors and that the said (name) and (name) as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

(SEAL)

Notary Public

e. Tax Certificate

The certificate on taxes shall be in the following form:

I, (name), Treasurer of the County of Clinton, State of Iowa, hereby certify that I have examined the records of said County, and find that the following described real estate, to wit:

(name of addition) 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 land in compliance with Section 354.12 of the 2011 State Code of Iowa.

Date and Treasurer

Clinton County, Iowa

(SEAL)

f. Mortgage Holder's Consent And Affidavit In Lieu Thereof:

(1) The certificate reflecting the mortgage holder's consent to plat, or the affidavit of the owner in lieu thereof shall be in the following form:

I, (name) hereby certify that I am employed by hereinafter Mortgage holder in the capacity of \_\_\_\_\_, that I have authority on behalf of the mortgage holder to make the following representations:

(a) That the plat attached hereto is prepared with my free consent and in accordance with my design.

(b) That the mortgage lien on such property is hereby released on all land in the plat dedicated to the public for its use, whether such dedication is for streets, alleys, easements, parks, or other public use.

Date and Signature of Authorized Individual

Before me, the undersigned, a Notary Public in and for the County and State, personally appeared \_\_\_\_\_, who being duly sworn did say that he is authorized on behalf of \_\_\_\_\_, to bind such organization to the statement above, and trust the same was executed as a free and voluntary act.

Notary Public

(SEAL)

(2) The certificate for lien holders consent shall be the same as above, except that the word “lien holder” shall be substituted for the words “mortgage holders.”

(3) In lieu of the required consent, the owner may submit a bond in an amount double the amount of the lien and the following affidavit:

I, hereby certify that a consent of the lien holder is not attached to the plat for the following reason: (strike the reason not appropriate)

(a) The lien holder cannot be found.

(b) The lien holder will not accept payment or cannot, because of the nature of the lien, accept payment in full. Payment in full was tendered and refused.

Date and Owner

Sworn and subscribed before me by the above signed individual on the day of (month and day) , (year) .

Notary Public

(SEAL)

g. Attorney's Certificate:

The attorney's certificate shall be in the following form:

I, (name) , certify that I have examined the records of Clinton County, Iowa, and the records of the United States District Court for the Southern District of Iowa, Davenport Division, and from such examination find title in fee simple to the real estate identified as (name of subdivision), an Addition to the City of Camanche, Iowa, free and clear of all liens and unbonded encumbrances as of this date, to be vested in (name of owner).

DATED, this (date) day of (month) , (year) .

By (name)

Attorney-At-Law

h. Assessment Waiver:

The assessment waiver shall be in the following form:

The undersigned, (owner of subdivision) , has this date filed with the Clerk for the City of Camanche, Iowa, a plat of (name of addition) , an Addition of the City of Camanche, Iowa.

It is agreed by the undersigned, their successors, heirs and assigns that at such time as street improvements, sanitary sewers, storm drainage facilities, sidewalks (sidewalks shall be placed in a separate waiver) or other conventional type of subdivision improvements are needed, the City of Camanche shall put in said improvements and assess the total cost of same in the prescribed manner against the subdivided property comprising said (name of subdivision) in accordance with the laws regarding special assessments. Said assessment shall be paid in one installment payment.

In accordance with the provisions of the Municipal Ordinances of the City of Camanche, the undersigned subdivider and owner of all lots in said (name of addition) , an addition to the City of Camanche, Iowa, for themselves, their heirs, grantees, representative successors, assignees and all subsequent owners of any part of said addition do hereby waive all formalities, rights of protest and rights of appeal to the ordering of said improvements and assessing the cost thereof against the subdivided property even though the cost thereof may exceed the amount that can legally be assessed by the City of Camanche against the subdivided property and agrees to be responsible for such differences and agrees to permit the assessment of the entire cost of all of said improvements against the subdivided property. This waiver shall become null and void at such time as the original required subdivision improvements herein referred to are completed by the undersigned at no cost to the City and accepted by the City of Camanche, Iowa, and a release of Waiver is signed by the City Engineer and duly recorded.

DATED this (date) day of (month) , (year) .

By

(husband)

By

(wife)

or

(SEAL)

State of Iowa )

) ss:

County of Clinton )

By

(office)

By  
(office)

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name) , (name) , (name) , and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act an deed, for the purpose therein expressed. Witness my hand and notarial seal this (date) day of (month) , (year) .

(SEAL)

OR

Before me, the undersigned, a Notary Public, in and for the County and State, personally appeared (name) , and (name) to me personally known, who being by me duly sworn did say that they are the (office) and (office) respectively of said corporation executing the within and foregoing instrument, (no seal has been procured by the said) (the seal affixed thereto is the seal of the said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors and that the said (name) and (name) as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

(SEAL)

Notary Public

- i. Maintenance Bond: The maintenance bond shall be in the following form:

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS THAT WE, (contractor's name) , as PRINCIPAL, and (Surety) , a company duly authorized to transact business in the State of Iowa,

as surety, are held and firmly bound unto the City of Camanche, Iowa, as oblige, in the sum of (\$) for payment whereof well and truly to be made, the principal and the surety bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally firmly by these presents.

SIGNED and sealed and dated this day of (month) (year) .

WHEREAS, the principal has entered into contract for the construction of

(improvement to an addition)

to the City of Camanche, Iowa.

WHEREAS, the obligee has required said principal to furnish a bond guaranteeing remedy of any defect in material or workmanship within a period of two (2) years from the date of official acceptance of the improvements by the City Council of the City of Camanche, Iowa.

NOW, THEREFORE, the condition of this obligation is such that if the said principal does and shall at his own cost and expense remedy any and all defects that may develop in said work, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

By

Principal

By

Surety

By

Agent & Attorney-in-Fact

STATE OF IOWA )



) ss:

COUNTY OF CLINTON )

On this day of (month) (day) , (year) , A.D., before me the undersigned, a Notary Public, personally appeared the above named Principal (Agent or Attorney for Principal) , and/or Surety (Agent or Attorney for Surety) , to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that he (they) executed the same as his (their) voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

(SEAL)

Notary Public in and for

Clinton County, State of Iowa

Name of Local Insurance Agent

Address

6-7-6 CHANGES AND ADMENDMENTS. Any regulation or provision of this chapter may be changed and amended from time to time by the Council; provided, however, that such change or amendment shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen (15) days prior to such hearing.