

CHAPTER 170

SUBDIVISION REGULATIONS

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170.01 TITLE. These regulations shall hereafter be known, sited, and referred to as the Subdivision Regulations of the City of Polk City, Iowa.

170.02 POLICY.

1. In order to promote orderly and planned development within the City's jurisdiction, all subdivisions of land and the subsequent development of the subdivided plat is subject to the control and approval of the City pursuant to the Code of Iowa.
2. Land to be subdivided shall be suitable for building purposes without danger to health or perils from fire, flood, and other menace, and shall not be subdivided until adequate utilities, drainage, streets and similar improvements exist or are satisfactorily provided for.
3. The proposed improvements all conform to the comprehensive plan of the City.

170.03 PURPOSE. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Codes, Zoning Ordinance, Comprehensive Plan and Urban Design Standards and Urban Standard Specifications. These regulations are adopted in order to lessen congestion in the street; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to avoid undue crowding of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, recreational facilities and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, in accordance with the comprehensive plan.

170.04 DEFINITIONS. For the purpose of interpreting these regulations, certain words, terms and expressions are herein defined.

1. “Active recreation area” means that part of a park which can utilized for the placement of intensive recreational activities and facilities including athletic fields; tennis, basketball, or general purpose courts; playground equipment; wading pools; ice skating rink; etc. An active recreation area shall have sufficient level areas uninterrupted by streams and drainage ditches to permit its development with optimum slopes ranging from 2% minimum to 5% maximum.
2. “Alley” means a public thoroughfare not more than twenty-four feet (24') in width, for the use of vehicles which afford only a secondary means of access to abutting property.
3. “Apartment” means a room or suite of rooms located within a building which serves as a home or place of residence for three or more families living independently, wherein units may be rented, leased or occupied by the owner and a majority of the units gain access through a common hallway.
4. “Applicant” means an owner or subdivider or land proposed to be subdivided or such owner’s representative. Where application is made by someone other than the legal owner, consent shall be required from the legal owner of the premises as a part of the application.
5. “Attached single-family unit” means a dwelling unit which is most commonly horizontally attached to another dwelling unit within a “townhouse” style residential building wherein each unit has direct access to from the exterior of the building rather than through a common hallway.
6. “Auditor’s plat” means a plat prepared at the request of the County Auditor to clarify property descriptions and for the purpose of assessment and taxation.
7. “Bond” means cash deposits, surety bonds or instruments of credit in the amount and form satisfactory to the City. All bonds shall be accepted and approved by the Council whenever a bond is required by these regulations.
8. “Builder” means any person acquiring a building permit from the City in order to erect or repair a structure or structures or any portion of the same.
9. “Building line” means a line on a plat between which line and public right-of-way line no buildings or structures may be erected as prescribed in the Zoning Ordinance. The term “setback line” means the same.
10. “Commission” means the Planning and Zoning Commission of the City.
11. “Comprehensive Plan” means the current comprehensive plan, as amended, for the development of the City, or any of its geographical parts, prepared for and adopted by the Council, and includes any parts of such plans separately adopted and any amendment to such plans or parts thereof.
12. “Construction plan” means the maps or drawings prepared by a registered engineer accompanying the subdivision plat and showing the specific location and design of improvements to be installed in the subdivision. The term “construction drawing” means the same.
13. “Contractor” means any person who constructs the improvements required herein.
14. “Cul-de-sac” means a street permanently closed to through traffic being terminated by a permanent turn-around.

15. “Dead-end street” means a street presently closed to through traffic at the end and is planned for future extension.
16. “Dedication” means the payment of a fee to be used exclusively by the City for park development.
17. “Detached single-family unit” means a dwelling unit which is not attached to any other unit and is intended for the occupancy of one family and entirely surrounded by yard on the same lot.
18. “Developer” means any person acting or proposing to subdivide or develop land for the construction of a building or buildings.
19. “Development” means a parcel of real estate wherein a developer proposes to subdivide or develop land for the construction of a building or buildings.
20. “Drainageway, improved” means an improved ditch, stream or waterway with shaped inverts, graded slopes and controlled velocities.
21. “Drainageway, natural” means an existing ditch, stream or waterway in as natural condition as possible and which can be maintained as such in the opinion of the City Engineer.
22. “Easement” means a right-of-way granted for the purpose of limited private, public or semi-public use across private land for specifically designated purposes.
23. “Grade” means the slope of a road, street, utility, earth embankment or other facility specified in percent of vertical to horizontal measurements.
24. “Greenways” or “greenbelts” means strips of open space usually in conjunction with streams and drainageways which principally serve as both a public access to the drainage system and as passive recreation area. These strips can offer intermittent recreational areas, as well as serving as scenic connections and trails for pedestrian and bicycle riders between major park facilities.
25. “Improvements” means any drainage, roadway, parkway, storm sewer, sanitary sewer, water main, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for construction, maintenance and/or operation, or which may affect an improvement for which the City’s responsibility is established.
26. “Lot” means a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
27. “Neighborhood mini park” means a specialized neighborhood recreational area to serve a concentrated or limited population designed for a specific age group such as preschool or elementary.
28. “Neighborhood park” means a public park established as the center of recreational activities for a neighborhood park district. Neighborhood parks are designed to serve all age groups and includes passive recreational areas and active recreation facilities such as children playground apparatus, athletic fields, court game facilities, wading pools, ice skating rinks, picnicking areas and shelter facilities.
29. “Open recreation space” means an open tract of land unencumbered by paving and structures, with the exception of recreational structures including but not limited to; ball field backstops, benches, picnic tables and playground equipment.

30. "Owner" means any person, group of persons, firm corporation or other legal entity having legal and equitable title in the land sought to be subdivided under these requirements.
31. "Park Commission" means the Parks and Recreation Commission of the City.
32. "Park development" means park site acquisition and/or physical improvement of the neighborhood park system.
33. "Park land" or "park system" includes within the corporate boundaries of the City.
34. "Passive recreation area" means part of a park system that is not intended for intense recreational use but has been reserved as open space for visual and psychological relief from the urbanized environment and may act as a greenway or greenbelt providing a park strip along drainageways and a passive connecting system between active recreation areas.
35. "Plans of record" means plans prepared by a registered engineer, showing such engineer's signature and certifying that the public improvements have been constructed as shown.
36. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision is submitted and which the subdivider submits for approval and intends in final form to record.
37. "Plat of survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
38. "Registered engineer" means an engineer properly licensed and registered in the State of Iowa.
39. "Registered land surveyor" means a land surveyor properly licensed and registered in the State of Iowa.
40. "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer, storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established, except as otherwise provided in these regulations.
41. "Street, arterial" means a high capacity roadway, lower level of mobility but higher level of land service than the major arterial, as designated in the comprehensive plan.
42. "Street, collector" means a street which penetrates neighborhoods to collect local traffic and channel it to the arterial system. The collector streets are designed with approximately equal regard to mobility and land service, as designated in the comprehensive plan.

43. “Street, local” means a low-volume street designated for access to abutting property, as indicated in the comprehensive plan.
44. “Street, major arterial” means a high capacity roadway primarily designed for mobility with land service as a minor function, as designated in the comprehensive plan.
45. “Street” means any thoroughfare or public way extending between two right-of-way lines which has been or will be dedicated to the City for street purposes.
46. “Structure” means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground, but not including driveways, sidewalks, patios, or fences up to thirty-six (36) inches in height, or poles and appurtenances thereto used for the provision of public utilities. The term “building” means the same.
47. “Subdivider” means any person who, having interest in the land, causes it, directly or indirectly, to be divided into a subdivision or to be included in a proposed subdivision or resubdivision.
48. “Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, parcels or other subdivisions of land for the purpose of immediate or future sale or transfer or for building improvements. The term includes resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.
49. “Polk City Extra-territorial Jurisdiction” means the unincorporated area of Polk County within a two-mile radius of the corporate limits of Polk City with the exception of those areas lying southwesterly of the Des Moines River and Saylorville Lake and having street access to Polk City via the Mile-long Bridge currently on Highway 415 (W. Bridge Road) as of the passage of the ordinance codified in this subsection. *(Ord. 2010-2200 – Apr. 11 Supp.)*

170.05 JURISDICTIONAL AREA.

1. In accordance with the provisions of Chapter 354 of the Code of Iowa and, specifically, under the authority of Section 354.9, these regulations shall apply to all subdivisions of land within the corporate limits of the City and within the Polk City Extra-territorial Jurisdiction. It is the specific intent and purpose of this provision to extend all applicable regulations concerning the subdivision of land as set forth in this chapter to all land within the Polk City Extra-territorial Jurisdiction and to establish the City’s jurisdiction for review and approval of such subdivision to such areas.
2. No land within the corporate limits of the City or within the Polk City Extra-territorial Jurisdiction shall be subdivided unless and until:
 - A. The subdivider has obtained final approval of the plat itself which shall be in conformance with all the regulations contained in this chapter; and
 - B. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with the provisions of these regulations. No excavation of land or construction of any public or private improvement shall take place or be commenced until in conformity with these regulations.
3. All plats of survey, plats, replats or subdivisions of land into three (3) or more parts for the purpose of laying out a portion of the City, an addition thereto or

suburban lots within the Polk City Extra-territorial Jurisdiction for other than agricultural purposes shall be submitted to the Council and the Commission in accordance with the provisions of this chapter and shall be subject to the requirements established herein. This chapter shall regulate the subdividing of land within the City and all land within the Polk City Extra-territorial Jurisdiction in accordance with the provisions of Section 345.9 of the Code of Iowa.

4. No plat of survey, plat or subdivision in the City or within the Polk City Extra-territorial Jurisdiction 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 chapter and has been approved by the Council as prescribed herein.

(Ord. 2010-2200 – Apr. 11 Supp.)

170.06 INTERPRETATION. These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. It is not intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations or any other ordinance, rule and regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

170.07 SAVING CLAUSE. If any section, subsection, paragraph, sentence, clause or phrase of these regulations should be invalid for any reason whatsoever, such decision shall not affect the remaining portion of these regulations, which shall remain in full force and effect and to this end the provisions of these regulations are declared to be severable.

170.08 RESERVATIONS AND APPEALS. Any subdivision plat that has received preliminary approval by the Council prior to the effective date of these regulations shall be subject to the conditions effective at the time of the approval and for a period of one year from such date of approval, and shall continue to be processed according to those requirements during such period. The preliminary approval shall be considered null and void if, after one year from the time of such preliminary plat approval, the applicant has not made application for final plat approval by the Council. Any future subdivision of any portion of the property subject to such prior preliminary plat approval shall be made in conformance with these regulations.

170.09 ACRE SUBDIVISION. When land is subdivided and subdivision plat shows one or more lots containing more than one acre of land suitable for future resubdivision into smaller building sites, the Commission may require that such parcel of land be so subdivided as to allow for future streets and the extension of the existing street system to the acre.

170.10 AUDITOR'S PLATS. The Commission and Council shall have the right to waive provisions governing preliminary and final approval and public improvements outlined in Sections 170.16, 170.28 and 170.29 of these regulations for auditor's plats, providing there is on file with the City a copy of the request of the County Auditor ordering such plat and a letter from the Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

170.11 VACATION OF PLATS. Vacation of plats shall be in accordance with the provisions of Chapter 354 of the Code of Iowa.

170.12 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or injuries, the Council, upon written recommendation of the Commission, may modify or vary such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner; provided, however, all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of these regulations and granted with a view toward protecting the public welfare and interest of the City and the surrounding area.

170.13 FEES.

1. Before a preliminary plat, final plat or plat of survey shall be considered by the Commission, the applicant or agent shall deposit with the Clerk a fee according to a schedule adopted from time to time by resolution of the Council. The appropriate fees shall be deposited following Council action on the preliminary plat, final plat or plat of survey. In the event that said fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary plat, final plat or plat of survey, the subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.
2. In addition to the plat filing fees, the subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements for inspection, testing, or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.
3. The City shall annually, by resolution, determine the hourly rate which it shall pay for professional engineering services which shall be deemed to be the maximum rate which may be imposed upon any subdivider during such annual period.

170.14 ENFORCEMENT; VIOLATIONS; PENALTIES. It is the duty of the Zoning Enforcement Officer to enforce these regulations and to bring to the attention of the Council any violations or lack of compliance herewith. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to other penalties described herein.

170.15 PARK DEDICATION.

1. **Definition.** For purposes of this section the term “development application” means any presentation or filing with the City for residential development purposes of any subdivision of land over which the City has subdivision review and approval authority, or the filing or presentation of any site plan, PUD, PUD specific plan, permitted conditional use plan or development, subdivision master plan or area development plan, over which the City has approval authority in compliance with this chapter.
2. **Dedicate Land for Park and Recreational Purposes.** All persons making a development application shall dedicate to the City, within the land covered by the development application, land for park and recreational purposes sufficient to meet the requirements of this section.

A. In each tract of land covered by a development application, there shall be reserved and dedicated to public use a specific amount of land for park purposes for each 1,000 people, based upon the projected population of the completed development application as calculated in accord with this section. The size of the dedicated land parcels shall be determined by formula as applied to current totals of park space available per 1,000 people and established by resolution of the Council. Such dedication shall be prorated to the amount indicated by the projected population to the nearest 1,000 square feet of land to be dedicated, but in any event, no dedication of park space shall contain a total less than 10,000 square feet of land to be dedicated.

B. For purposes of this section, population in the completed area covered by the development application will be determined by multiplying the number of housing units projected in the area covered by the development application for each use category times the anticipated average per unit. The quantity calculated for each residential type shall be added together and the sum shall be the projected population for purposes of the development application. For the purposes of this calculation, the anticipated average population per residential type shall be as follows:

Single Family Residence – 2.76 persons per household

Multi-Family Residence – 1.50 person per household

Townhome Residence – 2.00 persons per household

C. The City may require that all land dedicated under this section be configured or located to optimize aggregations of land and thus may require that the dedicated land be adjacent to the land affected by other development applications or to otherwise maximize usefulness of the land in accord with the City's master parks and trails plan. The City may place similar requirements upon dedications under this section in order to assure useful aggregations of land for greenways.

D. This section shall not apply to any development application which does not include residential development; provided, however, to the extent any development includes residential uses within any development application, park land dedication shall be required to the extent determined in accord with paragraphs A and B of subsection 2 of this section.

E. For purposes of this section the water area of ponds, streams, retention basins, detention basins and other bodies of water and the land area of buffer park easements and site plan open space requirements shall not be included in determining any area dedicated for park or greenway purposes.

F. The dedication of any land for park purposes shall include dedication of a corridor or point of connection for public pedestrian access, the areas of which shall be included in determining compliance with this section.

G. Approval of a development application shall be conditioned upon the construction of (or providing sufficient surety for the construction of) the following improvements in accord with City design standards of:

(1) Streets abutting any dedicated land.

(2) Utility services (including hookups) to any dedicated land including, storm and sanitary sewers, drainage structures, water lines,

gas lines, electric lines, communications lines and such other utilities as are (or will be upon completion) available to adjacent tracts.

- (3) Sidewalks (abutting any public street) and trail connections as appropriate.
- (4) Site grading and seeding.
- (5) Streetlights.

H. If land dedication under this section requires an amendment to the master parks and trails plan, the need for such an amendment will be reported to the Park Commission, which shall make a recommendation to the Council on the development application.

I. The required land dedication under this section shall be reduced when the person making the development application provides public access by easement to recreational facilities, playgrounds, unobstructed open spaces, ball fields, soccer fields, tennis courts, basketball courts, volleyball courts, picnic shelters, recreational trails and other similar non-duplicated recreational facilities which have been (or will be) constructed and maintained by the applicant and are not shown on the master parks and trails plan. There shall not be any credit for swimming pools, clubhouses and other recreational facilities not provided in neighborhood parks, greenways or mini parks under the master parks and trails plan. In order to determine the credit the City shall ascertain the fair market value of the land required to be dedicated under this section and from such value subtract the cost of the recreational facilities constructed by the applicant and provided under this section. The person making the development application shall then only be required to dedicate land equal in value to the remainder.

J. Property subject to public easements for multipurpose trails shown on, or proposed by the City to be shown on, the master parks and trails plan shall be included in the calculation of park land dedicated under this section. Such multipurpose trails shall be built by the applicant to City standards and maintained by the City. Easements for multipurpose trails will include an easement for access of sufficient width for trail maintenance and reconstruction. The City shall restore any land disturbed by maintenance or reconstruction; provided however, the owner of the fee shall be responsible for all trimming, planting and maintenance of vegetation including the responsibility to keep the trail unobstructed, and passage unimpeded by vegetation.

K. The dedication of land for trail space required under this section may include easements to the public of land used or included in the setbacks required in single- or multi-family developments. The easements shall be a minimum of ten (10) feet away from any building, other structure or parking lot on the site.

3. Alternative to Dedication. As an alternative to dedication under subsection 2 of this section, any person filing a development application may provide jointly with other persons for the dedication of land in an amount at least equal to the amount required under subsection 2 of this section, at a location which is not part of the land for which approval is sought, provided that:

- A. Such alternative is within the same neighborhood park district (as such districts are established by resolution of the Council) as the land for which a development application has been made;
 - B. The alternative jointly provided will provide for a park with a total land area of at least five (5) acres, consistent with the master parks and trails plan; and
 - C. Such alternative dedication of land is or has actually been dedicated to the City and has been accepted by the City for use in accord with the master parks and trails plan.
4. Dedication Requirement Less than 10,000 Square Feet. Where application of the formula set forth in subsection 2 of this section results in a dedication requirement of less than 10,000 square feet, the person making or filing the development application may elect to dedicate 10,000 square feet of land or fulfill such person's obligation by participating in an option provided by subsection 3 of this section, but such alternative participation shall be based upon the actual calculation under subsection 2 of this section and not upon the equivalent of 10,000 square feet of land.
 5. Alternate Plan. Subsections 2 and 3 of this section notwithstanding, any entity required to comply with this section may present an alternate plan which meets the purposes of this section as a means of complying herewith. It will be the burden of the entity presenting such plan to establish that such plan meets the purposes of this section. Any such plan shall be first reviewed by the Park Commission, which shall make a recommendation to be presented to the Planning and Zoning Commission (where Planning and Zoning Commission recommendation is otherwise required) or where the Planning and Zoning Commission does not review, then to the official or board responsible for review. If the Planning and Zoning Commission or other official or board recommendation is not required, such plan and the recommendation of the Park Commission shall be submitted to the Council, which shall approve or reject such plan by resolution. Any alternate proposal must directly and proportionately benefit the development. This subsection, however, does not authorize the payment of impact fees to the City in lieu of the land dedication requirements.
 6. Single-Family Residential Units. This section shall not apply to any development application containing three (3) or fewer single-family residential units. A person making or filing a development application shall not divide land into separate plats in order to seek a waiver under this provision. Where a development application is made for multiple contiguous tracts within any two (2) years, the City may treat all the development applications as one for purposes of this section.
 7. Appeal Procedure.
 - A. Notice of Appeal; Fee. Any person making or filing a development application or any person affected by any decision made by any department acting under this chapter may appeal to the Council by filing notice of appeal with the Clerk and paying a filing fee of one hundred dollars (\$100.00) payable to the City to be credited to the General Fund of the City. Such appeal shall be taken within ten (10) days after the decision of the department acting under this chapter and shall set out in detail the reasons and grounds for the appeal. The Clerk shall forthwith transmit to the Council all papers

constituting the record upon which the action appeal is taken. An appeal stays all proceedings in furtherance of the appeal.

B. Public Hearings. The Council shall, upon the filing of an appeal, fix a reasonable time for a hearing, giving public notice thereof as well as due notice to the parties in interest. All interested persons may offer oral or written testimony at the public hearing on the appeal. A vote of three (3) members of the Council may affirm, modify, or reverse any decision of any department acting under this chapter.

C. Park Commission Review. Prior to the public hearing on appeal before the Council, the Park Commission shall review the decision of any department acting under this chapter and shall make a recommendation to the Council for consideration at the public hearing.

D. Appeal to the District Court. Any person aggrieved by any appeal decision of the Council may, within 30 days after the date of Council's rendering a decision, appeal to the district court of Polk County, Iowa, in accordance with the Rules of Civil Procedure, Division XIV, entitled *certiorari*.

170.16 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS.

1. The subdivider shall install and construct all improvements required by these regulations in accordance with the Urban Design Standards and Urban Standard Specifications as shown on approved construction drawings and under the inspection of the City. All improvements shall be constructed to the City's satisfaction.

2. The standards and details of design herein contained are intended as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision, the subdivider shall use the standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

3. In addition to the requirements established herein, all subdivisions shall comply with the following laws, rules and regulations:

A. All applicable statutes of the State of Iowa.

B. All applicable provisions of this Code of Ordinances.

C. The current comprehensive plan and public utilities plans for the City as may be adopted or revised.

D. The requirements and rules of State agencies such as the State Department of Natural Resources, State Department of Health and the State Department of Transportation, where applicable.

E. The standards and regulations of the County Board of Supervisors and County commissions, boards and agencies where applicable.

F. The Urban Design Standards and Urban Standard Specifications.

G. The design of all required improvements shall be done by a registered engineer.

4. Subdivision layouts shall take into account existing street alignments, natural drainage ways, topography or other existing features that may affect the subdivision of future subdivisions of the area.
5. A strip or parcels of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as approved or allowed by the Council.
6. All improvements shall be so designed so that the required utilities will be located outside the pavement slab area. When utilities, for necessity, must cross or run under the slab, they shall be constructed to meet the requirements of the Urban Standard Specifications.

170.17 WAIVER OF SIDEWALKS. Notwithstanding the provisions of Section 170.24 and Section 157.08 of this Code of Ordinances, the Council may, by resolution, waive the requirements for the installation of public sidewalks which are adjacent to any lands owned by the Federal government, the State of Iowa, school district or any other political subdivision of the State of Iowa, provided that the granting of such waiver is in the best interests of the citizens of the City. The Council may, in such resolution, grant the waiver subject to the imposition of conditions which the Council deems to be reasonable and proper.

170.18 STREETS AND RIGHT-OF-WAYS.

1. All proposed plats and subdivisions shall conform to the comprehensive plan and Zoning Ordinance presently in effect.
2. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than sixty (60) feet in width, and in similar alignment, unless variations are recommend by the Commission and approved by the Council.
3. 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 dead-ended, an interim turn-around shall be required.
4. Street intersections shall be as nearly at right angles as possible. No offsets of cross intersecting streets shall be allowed when the offset is less than one hundred fifty (150) feet.
5. 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 turn-around.
6. Streets which are obviously in alignment with existing streets whether adjacent or distant to the proposed subdivision shall bear the names of such existing streets. The proposed names of new streets shall be shown on the plats and such names shall not duplicate or sound similar to existing street names. The council reserves the right to alter or change the proposed names of streets before final acceptance of the plat. Streets shall be designated as follows:

General Direction	Long	Short (600 ft. or less)
North – South	Street	Place
East – West	Avenue	Court
Random Curving	Drive	Lane

7. 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.

8. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street right-of-way shall be platted and dedicated by the subdivider.

9. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Alley right-of-way shall be twenty-four (24) feet in width. Alleys shall not be permitted in residential districts. Dead-end alleys shall not be permitted.

10. If any overall development plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system shall conform in general thereto.

11. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Council may require topography and a sketch of a tentative future street system of the unsubdivided portion.

12. Where a new subdivision involves frontage on a major arterial, or involves frontage on a collector or local street which, by virtue of its unimproved condition, topography, or location makes it difficult or impractical to maintain and service, the street layout shall provide motor access to such subdivision by one of the following means:

- A. A parallel street, supplying frontage for lots backing onto said unimproved street.
- B. A series of cul-de-sacs or short loops entered from and planned at right angles to such unimproved street.
- C. An access drive separated by a planting strip from said street to which motor access from said street is provided at points suitable spaced.

Where any one of the above-mentioned designs is used, deed covenants, or other means shall prevent any private residential driveways from having direct access to said unimproved street.

13. In the case of an unimproved arterial, collector, or local street, the subdivider at his or her option, may comply with the provisions of either paragraphs A, B and C of subsection 12 above, or may make suitable arrangements for the improvement of said unimproved street, at the subdivider’s sole expense; in which case, all improvements shall be designed and installed in accordance with the design standards of the chapter.

14. A warranty deed to the City shall be given for all streets before the same will be accepted for City maintenance.

15. For the purposes of this subsection, a street shall be deemed to be unimproved if the street is not paved with portland cement concrete or other comparable materials in accordance with the current standard specifications or materials and the construction previously adopted by the City.

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

- A. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
- B. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back into the railroad.
- C. Form a buffer strip for park, commercial or industrial use.

17. The minimum right-of-way of all proposed streets shall be of the width specified by the comprehensive plan. If not specified therein, the minimum width shall be as follows:

Type Of Streets	Required Right-Of-Way
Divided major arterial	100 feet minimum
Undivided major arterial	80 feet minimum
Arterial	80 feet minimum
Collector	70 feet minimum
Local service	60 feet minimum
Alleys	24 feet minimum

18. All streets should be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level in accordance with the Urban Design Standards.

19. Circular curves shall have a radius of curvature on the centerline of not less than the following:

Street Type	Minimum Curve Radius
Major arterial	500 feet
Arterial	250 feet
Collectors	200 feet
Local service	150 feet

20. All streets shall be paved with Portland cement concrete and have integral curb and gutter. Paving shall be six-inch reinforced or seven-inch non-reinforced concrete. All work shall conform to the Urban Design Standards and Urban Standard Specifications.

21. The City shall provide and install street signs and sign posts upon completion and acceptance of the subdivision, and shall charge the subdivider with the reasonable cost of such acquisition and installation.

22. No private streets shall be permitted in any subdivision unless approved by the Council.

See Roadway Design of the Urban Design Standards for more details.

170.19 BLOCKS.

1. No block shall be greater than one thousand three hundred and twenty (1,320) feet or less than two hundred fifty (250) feet between street centerlines. Where the

topography of the platted area requires greater or lesser length, approval of the Council shall be required. In blocks over seven hundred fifty (750) feet in length between street centerlines, a right-of-way of not less than ten (10) feet in width may be required for a crosswalk.

2. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet.

170.20 LOTS.

1. Minimum lot dimensions and size shall conform to the requirements of the Zoning Ordinance for the applicable zoning district.

2. Residential lots fronting or backing on a railroad right-of-way or on major arterial streets shall be platted with a minimum depth of one hundred fifty (150) feet to permit increased distances between the building and traffic ways.

3. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major arterial or arterial streets.

4. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

A. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than one acre in size.

B. Lots which are not within a reasonable distance of public water supply mains but are connected to a sanitary sewer system shall have a minimum width of eighty (80) feet and an area of ten thousand (10,000) square feet.

C. Lots which are not within a reasonable distance of public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty (80) feet and an area of ten thousand (10,000) square feet.

5. Side lots lines shall be approximately at right angles to the street or radial to curved streets. Except on large size lots and when indicated by topography, lot lines shall be straight.

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

7. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the owners of adjacent lots. The Commission may approve an alternative plan of ownership and use, stating the ownership of, and responsibility for, safe maintenance of the water body. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for suitable vehicular/pedestrian access.

170.21 SANITARY SEWER SYSTEM.

1. The owner of land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area. Said owner shall at his or her

expense construct a sanitary sewer system, including all necessary pumping stations, manholes and other necessary appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area. The minimum sewer line size shall be eight (8) inches at a minimum grade of .4%. The installation of such sewers shall be under the supervision and inspection of the City, and the owner shall be responsible for reasonable charges for such service expenses incurred by the City.

2. All sewers shall be designated by a registered engineer and sized with capacity to permit ultimate development of the sewer service basin. The sewer lines shall be constructed to the extremities of the development where necessary to accommodate future extension.

3. Subdivisions located within the corporate limits of the City shall be connected to the municipal sewer system. Only with special permission shall private sewage disposal or treatment be allowed. When allowed, design of such facilities shall be subject to the requirements and approval of the City.

4. All sanitary sewers shall be constructed in the street right-of-way outside the pavement slab whenever possible.

5. When sanitary sewers are not constructed in the street right-of-way, the subdivider shall dedicate permanent easements to the City for all sanitary sewers required by the City. These easements shall have a minimum width of fifteen (15) feet each side of the sewer centerline. Additional width may be required to insure access by City maintenance equipment.

6. Sewer service lines shall be installed to the right-of-way line to serve each lot in the subdivision at approximately the lower one-third point of the lot to be served. Service lines shall be laid at a 90 degree angle to the sewer main. Service lines shall be a minimum of four (4) inches diameter for single-family and duplex family housing, and six (6) inches diameter for all other zoning classification functions. Duplex housing shall have a separate service line to each unit. Developer and contractor shall accurately record the location of the service line during construction with respect to lot corners, pavement and other physical features. Said locations shall be furnished to the City.

7. Sanitary sewers shall be designed and constructed in accordance with all IDNR requirements and the Urban Design Standards.

170.22 WATER DISTRIBUTION SYSTEM.

1. The owner of land being platted shall make adequate provision for the supplying of water to the platted area. Said owner shall at his or her expense construct a complete water system, together with all necessary appurtenances to provide adequate water to all parcels of land within the platted area. The main supplying water to subdivision shall not be less than eight (8) inches in diameter. The installation of such water lines shall be under the supervision and inspection of the City and the owner shall be responsible for all reasonable charges for such expense incurred by the City.

2. All water mains shall be designed by a registered engineer and sized with capacity to permit ultimate development of the water service area. The water lines shall be constructed to the extremities of the development where necessary to accommodate future extensions.

3. All water mains shall be constructed in the street right-of-way outside the pavement slab whenever possible.
4. When water lines are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the City for all water mains required. These easements shall have a minimum width of fifteen (15) feet each side of the water main centerline. Additional width may be required to insure access by City maintenance equipment.
5. Water service lines shall be installed to the right-of-way line of the lots to be served. Service lines shall be laid at a 90 degree angle to the water main and shall be a minimum of ¾-inch diameter for single-family and duplex family housing. All other residential zoning classification functions shall be one inch (1") minimum. Commercial or industrial zoning classification functions shall be sized as required for the specific function. Service lines shall be provided with corporation cocks at the main and curb stops one foot inside the right-of-way from the property line. Duplex housing shall have a separate service line to each unit.
6. Water systems shall be designed and constructed in accordance with all IDNR requirements and the Urban Design Standards.
7. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than six hundred (600) feet apart and within three hundred (300) feet of any structure and shall be approved by the City.

170.23 STORM SEWER SYSTEM.

1. The owner of land being platted shall make adequate provision for the disposal of storm water from the platted area. Said owner shall at his or her expense construct a storm sewer system, including all necessary pumping stations, manholes and other necessary appurtenances to provide for the discharge of storm water from all lots or parcels of land, and the streets and alleys within the platted area, to a connection with the City's storm sewer system, or make provisions, to the satisfaction of the City Engineer and Council, for the storm water to reach the City storm sewer system by surface flow.
2. All storm drainage facilities shall be designed by a registered engineer and sized with capacity to permit ultimate development of the drainage basin, but in no case less than the ten-year storm frequency in pipe design. The improvements shall be constructed to the extremities of the development where necessary to accommodate future expansion and shall conform to correct City standard specifications.
3. When the proposed subdivision may have a detrimental effect by increasing the intensity and/or volume of storm water run-off into the City storm water drainage system or onto adjoining properties, detention methods will be required by the City to insure the onsite control of said run-off. Residential development within the R-1 and R-2 zoning districts will be exempt from this requirement. Development in the R-3, C and M districts shall meet the above referenced criteria unless it can be demonstrated to the City Engineer that a lack of detention will not increase the danger of erosion, flooding, landslide or other endangerment of adjoining or surrounding property.
4. All storm sewers shall be constructed in the street right-of-way outside the pavement slab whenever possible.
5. When storm sewers are not constructed in the street right-of-way, the subdivider shall dedicate permanent easements to the City for all storm sewers

required by the City. These easements shall have a minimum width of fifteen (15) feet each side of the sewer centerline. Additional width may be required to insure access by City maintenance equipment.

6. Where dams are proposed in any subdivision, they shall be designed by a registered engineer. A preliminary engineering report, including soil investigations and design procedures, shall be submitted to the City for review. When such dam is constructed, the subdivider's engineer shall certify to the City that the dam is constructed in accordance with the approved plans and specifications.

7. Storm sewer systems shall be designed and constructed in accordance with all IDNR requirements and the Urban Design Standards.

170.24 SIDEWALKS. Sidewalks shall be constructed along with all streets within the subdivision in accordance with the Urban Design Standards and Urban Standard Specifications. The owner of the land being platted shall submit to the City a performance bond guaranteeing the construction of all sidewalks within three (3) years of the date of final plat approval by the Council. The amount of said bond shall be the estimated cost of constructing all required sidewalks.

170.25 STREET LIGHTS.

1. Street lights are required in all subdivisions unless a variance is granted by the City. Street light locations shall be shown on the utility plan for the subdivision.

2. Exact street light locations will be determined by the City in consultation with the proper utility company. As a general guideline, street lights shall be placed at all street intersections and at other intermediate points as necessary, but in no case shall the street lights be less than three hundred (300) feet apart.

3. The owner of the land being platted shall pay the installation cost of all street lights required and the City will pay the energy costs for operation after installation.

4. Street light locations and electrical distribution system plan shall be provided and approved by the City Administrator in consultation with the City Engineer and Public Works Director.

5. Street light and electrical distribution plan shall be provided and approved by the City Administrator prior to approval of the final plat.

170.26 UTILITIES.

1. All utility lines and mains including telephone, electric, and street lighting lines, gas and water mains and other necessary facilities except electric lines of nominal voltage in excess of 15,000 volts shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or pedestrian way shall be installed prior to the improvement of any such street, alley or pedestrian way in the subdivision. Incidental appurtenances, such as transformers and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public.

2. Ten-foot public utility easements shall be provided along the plat boundary and along the rear of all lots within the subdivision. Additional utility easements shall

be provided along side lot lines totaling ten (10) feet in width to provide for utility line and access to such rear lines at sufficient intervals to allow ease of access but in no case further than five (5) lots from one such easement to the next. All utility easements shall have access to a public right-of-way.

3. Utility plan shall be provided and approved by the City Administrator in consultation with the City Engineer and Public Works Director prior to approval of the final plat.

170.27 STANDARD CONSTRUCTION SPECIFICATIONS. All construction of public work projects within the jurisdiction of the City, including the type, grade and width of pavement; the design of the drainage system; the water distribution system; the sanitary sewer system; shall be in accordance with the Urban Design Standards and Urban Standard Specifications.

170.28 PRELIMINARY PLAT AND ACCOMPANYING MATERIAL.

1. General.

A. The preliminary plat of a subdivision is not intended to serve as record plat. Its purpose is to show on a map all facts needed to enable the City to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. It is encouraged that the subdivider contact the City or the City Engineer in advance of submittal of the preliminary plat, in order to acquaint the City staff with the proposed subdivision, acquaint the applicant with procedure and to discuss any special problems that might relate to the subdivision.

B. All accompanying material shall be deemed a part of the preliminary plat. Any action taken on the accompanying material shall be considered the same and in effect as action on the plat.

C. Accompanying material shall not be shown on the plat drawing but as separate exhibits.

2. Number of Copies and Scale. Twelve copies of the preliminary plat shall be submitted as designated in this chapter for review. The scale of the plat shall be 1 inch equals 50 feet on 24 x 36-inch sheet. Plats at 1 inch equals 100 feet may be submitted on large subdivisions upon approval of the City Engineer.

3. Contents of Preliminary Plat. All preliminary plats submitted shall contain and show on the plat drawing the following items:

A. The name under which the proposed subdivision is to be recorded, compass point, date and scale.

B. Complete legal description of the property being platted and its acreage.

C. Name and address of the recorded owner and developer.

D. Name and address of the engineer and/or land surveyor preparing the plat.

E. Existing buildings with their present use and location within the plat boundary and immediately adjacent area.

- F. Names, widths and location of all existing or proposed streets, alleys, railroads and other public right-of-way in or adjoining the proposed subdivision.
- G. Location and size, where applicable, of existing utilities within and adjacent to the subdivision boundaries.
- H. Location and names of adjoining recorded subdivisions and names or recorded owners of unsubdivided parcels immediately adjoining the proposed subdivisions.
- I. Location and character of all existing and proposed easements within the proposed subdivision.
- J. Existing contour lines at intervals not more than two (2)feet. In no case shall there be less than two contours shown.
- K. Zoning classification of the proposed and existing subdivision shall be shown.
- L. Proposed lot lines with approximate dimensions and square foot area of non-rectangular lots.
- M. Proposed lot numbers of all lots designed for use as designated in the zoning classification. All lots not meeting the requirements of the zoning classification shall have alphabetical designations. All streets, alleys and other public right-of-ways shall have alphabetical lot designations for ease of clarification and acceptance.
- N. Proposed streets shall indicate widths, centerline and centerline curve radius where applicable.
- O. Any proposed sites for schools, parks, playgrounds or other public or semi-public areas.
- P. Boundaries of the proposed subdivision shall be indicated by a heavy line with boundary dimensions and bearings.
- Q. Building setback lines shown on all lots in accordance with the zoning classification.
- R. Proposed easements for public utility purposes.
- S. Proposed utility service:
- (1) Source of water supply (City of Polk City, private utility, septic tanks, etc.)
 - (2) Sewage disposal service (City of Polk City, private utility, septic tanks, etc.)
 - (3) Provision for storm water drainage (City of Polk City, drainage district, unclassified, etc.)
- T. A vicinity map at a scale not smaller than 1 inch equals 500 feet, showing the proposed subdivision in relation to its general surroundings, including streets, subdivisions, etc.
- U. Certification of a professional engineer and/or land surveyor.

Any plat not containing all of the information specified above shall not be considered by the Commission.

4. Accompanying Material. Twelve copies of a general overall plan showing the approximate location of the sewer, water and storm sewer improvements that will be proposed shall accompany the plat. Any plat that cannot reasonably be served by public sewer shall provide two copies showing results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by Polk County.

170.29 FINAL PLAT AND ACCOMPANYING MATERIAL.

1. General.
 - A. The final plat of the proposed subdivision is intended to serve as the record plat. The final plat shall be prepared from an accurate survey by a licensed land surveyor. Plat boundary, lot dimensions and bearings, street locations, size and bearings shall be accurately shown to scale within the tolerance established by the Code of Iowa.
 - B. A final plat shall not be submitted until the preliminary plat has been approved by the Council.
 - C. The final plat shall be submitted in substantial conformance with the approved preliminary plat.
 - D. Accompanying material shall not be shown on the plat drawings but as separate exhibits.
 - E. All accompanying material shall be deemed a part of the final plat. Any action taken of the accompanying material shall be considered the same and in effect as action on the plat.
2. Numbers of Copies and Scale. Twelve (12) copies of the final plat shall be submitted as designated in this Chapter for review. The scale of the plat shall be 1 inch equals 50 feet on 24 x 36-inch size sheet. Plats allowed at 1 inch equals 100 feet on the preliminary plat shall also have a scale of 1 inch equals 50 feet shown on one or more sheets.
3. Contents of Final Plat. All plats submitted shall contain and show on the plat drawing the following items:
 - A. The name under which the proposed subdivision is to be recorded, compass point, date and scale.
 - B. Complete legal description of the property being platted and its acreage. Legal description shall be metes and bounds. The boundary shall be accurately tied to a minimum of two section corners.
 - C. Reference ties to section corners found or set as reference monuments for plat.
 - D. Name and address of the engineer and/or land surveyor.
 - E. Names, widths, and location of all existing or proposed streets, alleys, railroads and other public right-of-way in the proposed subdivision.
 - F. Location and character of all existing and proposed easements within the proposed subdivision.
 - G. Sufficient data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as

the outer boundaries of the subdivisions. All distances shall be shown in feet to the nearest one-hundredth foot. The course of each such line shown on the plat shall be indicated by a bearing reference. All bearings and angles shown shall be given to at least the nearest minute or arc. Public streets shall show centerline and distance and bearing thereof. Curve data for control lines such as boundary lines, street centerlines, etc., shall include as a minimum radius, central angle, curve length, chord, tangent, and degree curvature. Curve data for all other lines shall include as a minimum radius, central angle, curve length and chord.

- H. Proposed lot numbers as designated on the approved preliminary plat.
- I. Any proposed sites for schools, parks, or other public or semi-public areas as shown on the approved preliminary plat.
- J. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- K. All monumentation as required by Chapter 354, Code of Iowa, shall be designated on the plat and a legend provided describing the monuments and the date the monuments will be or were set.
- L. Building setback lines shown on all lots in accordance with the zoning classification.
- M. Proposed easements for public utility purposes.
- N. Certification of a professional engineer and/or land surveyor.

Any plat not containing all of the information specified above shall not be considered by the Commission.

- 4. Accompanying Material.
 - A. Twelve copies of any protective covenants of the subdivision proposed by the City or subdivider shall be submitted with the final plat for Commission consideration.
 - B. The following material shall be submitted for Council consideration:
 - (1) Seven copies of the final plat as approved by the Commission.
 - (2) Three sets of construction drawings as approved by the Commission.
 - (3) Seven copies of the protective covenants as approved by the Commission.
 - (4) A deed to the City, properly executed, for all streets and any other property intended for public use.
 - (5) A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school

property, or other public use, if the dedication is approved by the Council;

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

(7) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

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

(9) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

(10) Twelve copies of an approximate planned construction time schedule.

170.30 PLATS OUTSIDE CORPORATE LIMITS. The procedure for approval of plats of survey, preliminary plats and final plats of land within the Polk City Extra-territorial Jurisdiction shall be the same as set out in Section 170.28 and 170.29 above, except that seven copies of the plat shall be filed with the Clerk and the Clerk shall refer one copy to the County Engineer and one copy to the County Planning and Zoning Commission and request their recommendations to be submitted to the Commission. The Commission shall have 45 days to submit a recommendation to the Council and shall not take action on the plat prior to receiving the recommendations of the County, provided that the County shall submit its recommendations within 30 days after the referrals of the plat to the County Engineer and the County Planning and Zoning Commission.

(Ord. 2010-2200 – Apr. 11 Supp.)

170.31 IMPROVEMENTS WITHIN THE POLK CITY EXTRA-TERRITORIAL JURISDICTION.

1. Improvements in the Polk City Extra-territorial Jurisdiction shall be the same as required in Section 170.30, provided that 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. This subsection does not apply to plats of survey.

2. Where the subdivision 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 are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities. This subsection does not apply to plats of survey.

(Ord. 2010-2200 – Apr. 11 Supp.)

170.32 BOND REQUIREMENTS.

1. Performance Bonds.

A. The subdivider as required in Section 170.29 of these regulations shall at the time of submittal of the final plat to the Council post bonds in the amount approved by the City Engineer as sufficient to serve the satisfactory construction, installation and dedication of the required improvements, as shown on the construction drawings. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations.

B. A separate bond shall be posted for each phase of the construction such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.; provided, however, the Council may waive the bond for sidewalks upon a determination that there is no necessity for a sidewalk bond.

C. All bonds shall have a time period as recommended by the Commission. The required improvements shall be completed within the time period specified, which shall not in any event exceed three (3) years from the date of final plat approval by the Council.

D. Bond amount will be determined by submittal to the City of quantity and cost estimates prepared by the subdivider's engineer for improvements involved. All estimates shall be approved by the City Engineer with recommendation to the Council.

E. All bonds shall be approved by the Council as to amount and surety and conditions. The Council may at any time during the period of such bonds accept a substitution of principal of surety on the bond upon recommendation of the Commission.

F. The Commission may, upon proof of difficulty, recommend to the Council extension of the completion date set forth in such bonds for a maximum period of one (1) additional year.

G. The performance bond may not be released or reduced except as follows:

(1) The Council will not accept dedication of required improvements, or release or reduce a performance bond, until the City Engineer has submitted a recommendation stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed, record drawings of the improvement indicating location,

dimensions, materials, and other information required by the City, that all public improvements are in accordance with approved construction drawings for the subdivision as prescribed in these regulations.

(2) A performance bond will be released upon actual dedication acceptance of the public improvements. Partial release or reduction of the original bonds may be approved by the Council upon dedication acceptance of the improvements completed. The amount of the reduction shall be the ratio that the completed improvements bear to the total public improvement bonds originally submitted.

2. Maintenance Bonds.

A. The subdivider as required in this section shall at the time of acceptance of the improvements by the Council, post bonds in amount described herein as sufficient to secure satisfactory to the City attorney as to form, sufficiency and manner of execution as set forth in these regulations.

B. A separate bond shall be posted for each phase of the construction, such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.

C. The subdivider shall be required to maintain all required improvements free of defects after acceptance of said improvements by the City Council for a period specified below:

- Sanitary sewer 4 years
- Water main..... 4 years
- Storm sewer..... 4 years
- Pavement..... 4 years

D. Maintenance bonds posted by the subdivider’s contractor may be accepted.

E. Maintenance bonds shall be in the amount of the performance bonds.

170.33 APPLICATION PROCEDURE; REVIEW AND APPROVAL. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat and required accompanying material in accordance with the following order and procedures:

1. Preliminary Plat.

A. The applicant shall prepare a preliminary plat in accordance with the provisions of the Zoning Ordinance and these regulations. The applicant is encouraged to contact City Hall and the City Engineer prior to submittal as described in Section 170.28.

B. Applicant shall file with the Clerk an application for Commission and Council consideration of the preliminary plat at least fourteen (14) days prior to the regular Commission meeting. Application shall be accompanied by the following:

- (1) Twelve copies of the preliminary plat.
- (2) Twelve copies of the General Improvement Plan.
- (3) Filing fee as specified in Section 170.13.

(4) Two copies of the percolation test, if required.

C. The Clerk shall forward three copies of the preliminary plat and the improvement layout to the City Engineer, seven copies to the Commission members, and one copy of the percolation test to the City Engineer, if applicable. The Clerk shall retain one copy of all material for the City files.

D. The preliminary plat shall be reviewed by the Commission, City Engineer and the Building Department to determine its conformity with the Zoning Ordinance, these regulations, and all other ordinances and regulations in force affecting the subdivision.

E. The Commission shall in its regularly scheduled meeting, but not later than forty-five (45) days after the date of the application, act upon the preliminary plat and accompanying material. The City Engineer and the Building Department shall submit to the Commission their recommendation. Applicant shall be present at the meeting. Action of the Commission shall be approval, approval subject to conditions, or denial.

F. Should the Commission fail to act on the preliminary plat within 45 days following the date of application, provided, however, that the applicant may agree to an extension of time not to exceed an additional 45 days, the preliminary plat shall be deemed as submitted and forwarded to the City Council.

G. In the case of approval by the Commission, the approval shall be documented on seven copies of the preliminary plat. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and five copies shall be forwarded to the City Council.

H. In the case of approval subject to conditions by the Commission, the approval shall be documented on seven copies of the preliminary plat and the conditions determined attached thereto. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and five shall be forwarded to the City Council. The applicant shall provide revised copies of the preliminary plat in accordance with the Commission action and submit seven copies to the Clerk prior to Council action. The Clerk shall forward one copy to the City Engineer, five copies to the Council, and one copy for the Commission files.

I. In the case of denial by the Commission, the denial shall be documented on two copies of the preliminary plat. One copy shall be returned to the applicant, one copy shall be retained by the Commission.

J. In the case of denial or approval subject to condition by the Commission, the applicant can request in writing that the Commission forward the plat without revisions in whole or in part to the Council. Such request must state specific reasons and conditions for variation and exceptions from the Commission's recommendation. The Commission shall forward five copies of the preliminary plat and the applicant request to the Council.

K. At the next regularly scheduled Council meeting, but in no case later than 45 days following Commission action, the Council shall act on the preliminary plat and accompanying material. The City Engineer and Building Department shall submit to the Council their recommendations. The applicant

shall be present at the meeting. Action of the Council shall be approval or denial.

L. Should the Council fail to act on the preliminary plat within 45 days following the Commission action (provided, however, that the applicant may agree to an extension of time not to exceed an additional 45 days), the preliminary plat be considered approved as submitted and the applicant may submit the final plat.

M. In the case of approval by the Council, the approval shall be documented on three copies of the preliminary plat. One copy shall be returned to the applicant. One copy shall be forwarded to the Commission, one copy shall be retained by the Council. Applicant may then prepare the final plat and accompanying material.

N. In the case of denial by the Council, the denial shall be documented on three copies of the preliminary plat. One copy shall be returned to the applicant, one copy to the Commission, and one copy shall be retained by the Council.

O. If a preliminary plat has been approved by the Commission and denied by the Council, the applicant shall revise the preliminary plat in accordance with the Council action and resubmit 12 copies to the Commission for approval as before.

P. A preliminary plat that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes 12 copies of the preliminary plat and filing fees. Resubmittal under these terms shall be considered a new plat.

Q. The approval of the preliminary plat by the City Council shall be null and void unless the final plat is presented to the City within 180 days after the date of the said preliminary plat approval.

2. Construction of Improvements.

A. Applicant shall submit construction drawings prepared by a registered engineer. All drawings shall be submitted as a complete set on 24 x 36-inch sheets and shall include the engineering design for all streets, alleys, sanitary sewers, water mains, storm sewers, detention basins, drainage channels, and other appurtenances to the subdivision. The set shall include a title cover sheet which indicates the subdivision name, purpose of the plans, an index of contents and the engineer's certifications. The set shall also include a plan layout of the subdivision showing the relationship between all the proposed improvements, the hydrant coverages and storm water management plan with calculations. The set shall include the plans and profiles of the proposed sanitary sewers, storm sewers, water main and pavement at a scale of 1 inch equals 50 feet horizontal and 1 inch equal 5 feet vertical, with the appropriate details necessary to construct the improvements.

B. Applicant shall file with the Clerk two sets of the construction drawings. The Clerk shall forward one copy to the City Engineer. The City Engineer shall review the construction drawings in accordance with the Urban

Design Standards, Urban Standard Specifications and general engineering character.

C. A Performance Bond as specified in Section 170.32 may be required by the City Attorney prior to Council approval of the construction drawings. If required, two (2) copies of the performance bonds shall be provided to the City Clerk.

D. The City Engineer shall submit to the Council their recommendation. At the next regularly scheduled Council meeting, but in no case later than sixty (60) days following the applicant's submittal of the construction drawings, the Council shall act on the construction drawings. Action of the Council shall be approval or denial. In the case of denial, the Council shall notify the applicant of its decision and reasons therefor. Applicant shall correct construction drawings in accordance with the Council action.

E. Following Council approval and prior to commencing construction, the applicant shall submit seven copies of the construction drawings to the City Clerk. Three copies shall be forwarded to the City Engineer, one to the Public Works Department, one to the Building Department, one to the applicant and one shall be retained by the City Clerk for the City files.

F. The Construction Permit Application for water main and sanitary sewer construction must be approved by the Iowa Department of Natural Resources prior to commencing construction.

G. It is recommended that the subdivider request from the City a pre-construction conference. Such conference may include the subdivider, subdivider's engineer, subdivider's contractors, City Engineer, City Superintendent of Water, City Superintendent of Sewer and Streets and the Building Inspector.

H. Construction may commence and continue as approved by the City Engineer. Contractors shall notify the City Engineer 24 hours in advance of commencing construction. All phases of construction shall be in accordance with the Urban Standard Specifications and the approved plans, and shall be under review of the City Engineer.

3. Acceptance of Improvements.

A. Upon completion of construction, the City Engineer shall final inspect the improvements. Subdivider may request that the City accept each phase of construction (sanitary, sewer, water mains, pavements, etc.) as it is completed.

B. The subdivider shall submit the following items with the request for acceptance to the Clerk.

(1) Three (3) copies of the record drawings prepared by the subdivider's engineer in accordance with the Code of Iowa and one digital copy of said record drawings in Arc View, MicroStation, AutoCad or other approved format. Such drawings shall show the "as-built" location of all mains, services and appurtenances. Such drawings may be used by the City for future location purposes. Such drawings shall be public records and shall be made available for public review and for use of the information shown. Provided, however, the City does not warrant or guarantee the accuracy of such

drawings and nothing in this section is intended nor shall it be construed or interpreted to create any such warranty.

(2) Notification from the Clerk that all fees have been paid.

(3) Maintenance bonds in the amount specified for the improvement for the period specified in Section 170.32 to be accepted.

(4) Certification from the land surveyor that all property corner monuments are in place as indicated on the final plat.

C. The Clerk shall forward two (2) copies of the construction record drawings and one copy of the maintenance bonds to the City Engineer, and one copy of the maintenance bonds to the City Attorney for review. The Clerk shall retain one copy of each for the City files.

D. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements are in substantial conformance to all City specifications and ordinances or other City requirements and Agreements between the subdivider and the City.

E. The Council at its regularly scheduled meeting shall act upon the acceptance request. The City Engineer and the City Attorney shall submit to the Council their recommendations. The Council's action shall be approval or denial.

F. In the case of denial, the Council shall notify the applicant of its decision and the reasons therefor. Applicant shall correct any improvements in accordance with the Council action.

G. In the case of approval, the Council shall release the performance bonds corresponding to the improvements accepted.

4. Bond in Lieu of Construction.

A. The requirement of subsection 3 of this section may be waived if the subdivider will post a performance bond or certified check with the Council guaranteeing that said improvements will be constructed within a period of one year from final acceptance of plat.

B. If a performance bond or certified check 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.

C. If a performance bond or certified check is posted, building permits will not be issued by the Building Department to the applicant or property owners within the recorded plat without a recommendation from the City Engineer and approval of the City Administrator.

5. Final Plat.
- A. The applicant shall prepare a final plat in substantial compliance with the approved preliminary plat and in accordance with the provisions of the Zoning Ordinance and these regulations.
- B. Applicant shall file with the Clerk an application for Commission and Council consideration of the final plat at least fourteen (14) days prior to the regular Commission meeting. Application shall be accompanied by the following:
- (1) Twelve copies of the final plat.
 - (2) Twelve copies of the protective covenants.
 - (3) Filing fees as specified in Chapter 170.13.
- C. The Clerk shall forward three copies of the final plat to the City Engineer, seven copies to the Commission members, and one copy to the Building Department for review. One copy of the protective covenants shall be delivered to the City Attorney, one to the City Engineer, seven copies to the Commission members, and one copy to the Building Department for their review. The Clerk shall retain one copy of all the material for the City files.
- D. The final plat and accompanying material shall be reviewed by the Commission members, City Engineer, Building Department, and the City Attorney to determine conformity with the Zoning Ordinance, these regulations, and all other ordinances and regulations in force affecting the subdivision.
- E. The Commission shall, in its regularly scheduled meeting, but not later than thirty (30) days after the date of application, act upon the final plat and accompanying material, and the Building Department shall submit to the Commission their recommendations. Applicant shall be present at the meeting. Action of the Commission shall be approval, approval subject to conditions, or denial.
- F. Should the Commission fail to act on the final plat within thirty (30) days following the date of the application (provided, however, that the applicant may agree to an extension of time not to exceed an additional 30 days), the final plat shall be deemed approved as submitted and forwarded to the City Council.
- G. In the case of approval by the Commission, the approval shall be documented on seven copies of the final plat. One copy shall be returned to the subdivider, one copy retained by the Commission, and five copies shall be forwarded to the City Council.
- H. In the case of approval subject to conditions by the Commission, the approval shall be documented on seven copies of the final plat and the conditions determined attached thereto. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and five copies shall be forwarded to the City Council. The applicant shall make the revisions to the final plat in accordance with the Commission action and submit seven copies to the Clerk. The Clerk shall forward one copy to the

City Engineer, and five copies to the Council, and one copy shall be retained by the Commission.

I. In the case of denial by the Commission, the denial shall be documented on two copies of the final plat. One copy shall be returned to the applicant and one copy shall be retained by the Commission.

J. In the case of approval subject to condition or denial by the Commission, the applicant can request in writing that the Commission forward the plat without revisions in whole or in part to the Council. Such request must state specific reasons and conditions that exist for noncompliance with the Commission recommendations. The Commission then shall forward five copies of the final plat and the applicant's request to the Council with their recommendations and reasons for denial or conditions.

K. Seven days prior to the Council action, but not later than 30 days, the applicant shall submit to the Clerk the following:

(1) Should the final plat or protective covenants be altered or amended by the Commission, the following corresponding material shall be submitted: seven copies of the final plat as approved by the Commission and seven copies of the protective covenants approved by the Commission.

(2) Deed to the City for all property and right-of way intended for public use.

(3) A consent to plat certificate by the owner and spouse, if any.

(4) A certificate from the County Treasurer that the property is free from taxes.

(5) The attorney's opinion or district court certificate that the property is without encumbrances.

(6) Signed contract for installation of street lights.

L. The Clerk shall forward a copy of the deeds, consent to plat, County Treasurer's certificate, attorney's opinion or court certification, and performance bonds to the City Attorney. One copy of the performance bonds shall be forwarded to the City Engineer. In addition, one copy of the amended final plat and/or protection covenants, if applicable, shall be forwarded to the City Engineer and the Commission, with the remaining copies forwarded to the Council.

M. Should the applicant fail to submit the accompanying material within 60 days following Commission action (provided, however, the Commission shall agree to an extension of time not to exceed an additional 60 days), the Commission action shall be considered null and void.

N. At the next regularly scheduled Council meeting, but in no case later than 30 days following applicant's submittal of accompanying material, the Council shall act on the final plat and accompanying material. The City Engineer, the City Attorney, and the Building Department shall submit to the Council their recommendation. Applicant shall be present at the meeting. Action of the Council shall be approval or denial.

O. Should the Council fail to act on the final plat within 30 days after receipt of accompanying materials, the final plat shall be deemed approved as submitted and the applicant may record the plat.

P. In the case of approval by the Council, the approval shall be documented on three copies of the final plat. One copy shall be returned to the applicant. One copy shall be forwarded to the Commission, and one copy shall be retained by the Council. Applicant shall then record the plat as required in these regulations.

Q. In the case of denial by the Council, the denial shall be documented on three copies of the final plat. One copy shall be returned to the applicant, one to the Commission, and one shall be retained by the Council.

R. If a final plat has been approved by the Commission and denied by the Council, the applicant shall revise the final plat in accordance with the Council action and resubmit twelve copies to the Commission for approval as before.

S. A final plat that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes twelve copies of the final plat, accompanying material, and filing fees. Resubmitting under these terms shall be considered submittal of a new plat.

6. Recording of Plat and Building Permits.

A. Upon Council approval of the final plat, the City shall present to the applicant a statement of approval to be presented to the Polk County Recorder for applicant's recording of the plat.

B. Applicant shall submit to the Clerk a certificate of recording from the County Recorder's office. Approval of the final plat by the Council shall be null and void unless the plat is filed in the office of the Polk County Recorder within 180 days of the date of said final plat approval.

C. Following the submittal of certification of recording to the City, the applicant or property owners within the recorded plat may make application to the Building Department for the building permits, in accordance with that department's regulations. Occupancy permits will not be issued until all procedures have been completed and the public improvements have been accepted.

7. Plats of Survey.

A. No plats of survey for any land within the jurisdiction of the City shall be recorded in the County Recorder's office or have any validity until the Council has adopted a resolution approving and releasing the plat of survey for recordation.

B. Parcels previously platted as single-family lots in a subdivision of similarly sized lots will not be allowed to be further subdivided into flag lots having less than the minimum lot width in accordance with the applicable zoning district regulations unless specifically approved by the Commission.

- C. Any person, firm or entity, proposing the division or subdivision by means of a plat of survey of any land into two (2) parts or the creation of a new lot or parcel within the jurisdiction of the City, including any area outside of the City's boundaries specified in Section 170.05, shall submit an application to the City Clerk at least 14 days prior to the regular Commission meeting. Subdivision of any land into three or more parts shall constitute a Plat of Subdivision in accordance with the requirements of this chapter.
- D. The City Engineer shall review the plat of survey for compliance with City Code requirements and land use plan and report to the Commission.
- E. The Commission shall in its regularly scheduled meeting but not later than 45 days after the date of application, act upon the plat of survey. At the next regularly scheduled Council meeting, but in no case later than 30 days following Commission action, the Council shall act on the plat of survey. Action of Council shall be approval or denial.
- F. Filing fee as specified in Chapter 170.13.

170.34 MAINTENANCE OF IMPROVEMENTS. The improvements accepted shall be generally maintained by the City as to cleaning, snow removal, and general maintenance by the City as to the City's policies toward public utilities and right-of-ways. The City shall review the improvement facilities through the life of the maintenance bonds with regard to stability of material and workmanship. During the life of the bond, should corrective construction or reconstruction be required in the opinion of the City Engineer, the City shall notify the principal of the bond as to the deficiencies that have occurred. Principal shall, within a reasonable time, repair or replace the defective portion of the improvements involved at no cost to the City, under the terms of the bond.

170.35 INSTALLATION OF STREET SIGNS AND OTHER DEVICES. The developer shall be responsible for the installation of all street signs, stop signs and other directional signs within the subdivision. These signs shall be constructed in accordance with the specifications of the City. They should be installed as directed by the Public Works Director.

170.36 GRADING AND EROSION CONTROL.

1. Definitions. For the purpose of this section, the following words and phrases are defined:
 - A. "Accelerated soil erosion" means the rate of soil loss per year leaving the site prohibited by the Polk Soil Conservation District, pursuant to Section 161A.44 of the Code of Iowa.
 - B. "Applicant" means (a) an owner or developer of land proposed to be graded or said owner or developer's representative. Where application is made by the developer, consent shall be required from the legal owner of the premises; and (b) any public or private utility company which intends to install utility services in trenches which exceed one foot in width.
 - C. "As graded" means the surface condition after completion of grading.
 - D. "Bench" means a relatively level step or berm excavated into, or constructed of earthen material, on a slope on which fill is to be placed.

- E. “Borrow” means earth material acquired from an off-site location and used in grading of a site.
- F. “Building Official” means the Building Official as designated by the Council. Said official is responsible for the administration of this chapter and shall issue all permits required herein.
- G. “Certificate of completion” means a signed, written statement by a registered engineer that specific construction has been inspected and found to comply with all grading plans and specifications.
- H. “City Engineer” means the City Engineer as designated by the City Council.
- I. “Compaction” means the densification of fill or disturbed surface by mechanical means.
- J. “Disturbed area” means an area of ground on which the existing vegetation has been removed or damaged so as to be likely to cause soil erosion.
- K. “Earth change” means a manmade change in the natural cover or topography of land, including cut and fill activities.
- L. “Erosion” means the process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.
- M. “Excavation” or “cut” means any act by which soil, rock, or rubble is cut into, dug, quarried, uncovered, removed, displaced or relocated. Also included are the conditions resulting therefrom.
- N. “Fill” means any act by which soil, rock or rubble is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and includes the conditions resulting therefrom.
- O. “Grading” means any stripping, excavation, filling, stock-piling, or any combination thereof, of soil, which shall also refer to the land in its excavated or filled condition.
- P. “Key” means a designed, compacted fill placed in a trench excavated in existing earthen material beneath the top of a proposed fill slope.
- Q. “Land use” means a use of land which may result in an earthen change, including but not limited to, subdivision, residential, commercial, industrial, recreational or other development, private and public highway, road and street construction, drainage construction, or agricultural practices.
- R. “Natural drainageway” means an existing ditch in as natural a condition as possible and which can be maintained as such.
- S. “Permanent soil erosion control measures” means those control measures which are installed or constructed to control such erosion and which are maintained after completion of the project.
- T. “Person” means any person, firm or corporation, public or private, the State of Iowa and its agencies or political subdivisions, the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

U. “Registered professional” means any person who by education, training or experience, has been recognized by any professional accreditation board within the State of Iowa as being qualified in the performance of professional services such as consultations, investigations, research, planning, design or responsible supervision in connection with projects involving the arrangement of land and the elements thereon for public and private use and enjoyment, including, but not limited to, landscape architects, architects and engineers.

V. “Sediment” means settled-out soil particles which have been transported by water and later deposited.

W. “Site” means any lot or parcel of land or contiguous combination thereof, under the same ownership or control, where grading is to be performed or permitted.

X. “Slope” means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Y. “Soil” means naturally occurring superficial deposits overlying bed rock.

Z. “Stripping” means any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

AA. “Structures” means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, “structures” include buildings, sited mobile homes, billboards, poster panels and retaining walls.

BB. “Temporary soil erosion control measures” means interim control of soil erosion until permanent soil erosion control is effected.

CC. “Terrace” means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

DD. “Time scheduling” means an itemized sequential listing of events concerning stripping, grading and erosion control measures which are to be pursued according to the approved schedule.

2. Plans and Permit.

A. Before land is graded for purposes including, but not limited to, the construction of buildings, the mining of minerals including sand and gravel, the construction of parks and golf courses, the construction of subdivisions for any use, and the construction of streets and alleys by any person, said person, prior to initiating grading, shall obtain from the Building Official a grading permit, where the proposed development comes under any one or more of the following provisions:

- (1) Excavation, fill or any combination thereof, which exceeds 100 cubic yards in volume.
- (2) Fill that exceeds 3 feet in vertical depth at its deepest point measured from the natural ground surface.

- (3) Excavation which exceeds 4 feet in vertical depth at its deepest point.
 - (4) Grading which creates a disturbed surface area of more than 20,000 square feet.
 - (5) Grading which creates a disturbed surface area of 5,000 square feet or more located within 100 feet of a lake, pond, river, stream or natural drainage way.
- B. A grading permit shall not be required in the following cases:
- (1) Excavation below finished grade for septic tanks, drain fields, tanks, tunnels, swimming pools, cellars, or footings and basements of building or structures for which a building permit has been issued by the City, unless part of a development which would otherwise require such a permit.
 - (2) Cemetery graves.
 - (3) Refuse disposal sites controlled by other regulations.
 - (4) Excavation for wells.
 - (5) Exploratory excavations for soil testing purposes conducted under the direction of a registered professional.
 - (6) Where, prior to formal application, the applicant receives from the Building Official a written statement that the planned work or final structures or topographical changes, as presented by the applicant to the Building Official prior to formal application, will not result in or contribute to accelerated soil erosion or sedimentation and will not significantly interfere with any existing drainage course, or create any additional hazards.
- C. For new subdivisions, the subdivider or land owner shall obtain the required grading permit prior to beginning grading operations. Prior to the acceptance of the final plat by the Planning and Zoning Commission and the Council, the applicant shall:
- (1) Complete all grading and soil erosion measures as stipulated in the grading permit and submit, along with all other required documents, a certification from the Building Official that said work has been satisfactorily completed in compliance herewith, or
 - (2) Obtain a grading permit and post a satisfactory performance bond in an amount equal to 100% of the estimated cost of the grading and erosion control work, which shall guarantee the faithful performance of this work in accordance with the requirements contained herein.
- D. No certificate of occupancy for any building located on a site requiring a grading permit shall be issued by the Building Official until such time as all grading and erosion control measures, as required herein, are satisfactorily completed. In the event the approved grading plan permits permanent erosion control measures to be constructed subsequent to the completion of building structures, a temporary certificate of occupancy may be issued for each structure, provided that the term of such temporary

certificate of occupancy shall not exceed one year, during which time the applicant shall have completed the construction of such permanent erosion control measures and a certification of compliance therefor shall be issued by the Building Official.

E. No grading permit shall be issued until the owner of the parcel on which the grading is to occur submits a grading plan, together with other submissions required in this section, and a certificate that any grading done will be in compliance with said plan and submissions. All grading plans requiring submissions shall be certified by a registered professional engineer.

F. Each application for a grading permit shall be made by the owner of the property or the owners authorized agent to the Building Official on a form furnished for that purpose. Each application shall be accompanied by the following unless the Building Official finds any item unnecessary to ensure compliance with the provisions of this section:

- (1) A site sketch showing its size and boundaries, types of proposed sewer and water facilities, location of existing utilities, buildings and drains on and/or within 300 feet of the site. Include legend and scale; show all areas to be deeded, sodded, mulched, paved or left undisturbed after the work.
- (2) A soil map of the property showing the predominant soil types on the site.
- (3) Information on those areas abutting or adjacent to the site sufficient to show existing drainage patterns and any drainage courses that may be affected by the site development.
- (4) Name and address of the developer and owner.
- (5) Name and address of person preparing application.
- (6) Natural flood plain limits, if any.
- (7) A plan showing the existing topography of the site and 200 foot adjacent peripheral strip, proposed contours and final grades and street profile.
- (8) An indication as to what measures will be employed to protect cut and fill slopes and other soil from erosion.
- (9) A plan showing how all storm water drainage will be handled on and near the site.
- (10) An estimate as to the scheduling and phasing of the grading work.
- (11) A soils and engineering report on the soils at the site for purposes of determining the adequacy of the soils for their intended uses.

3. General Review Procedures.

A. An application for a grading permit shall be prepared by a registered professional experienced in grading, soil erosion and sedimentation control methods and all techniques and shall comply with the requirements of this Code. A separate application shall be required for each grading permit. No

such grading permit shall be issued until the application therefor has been approved by the Building Official and City Engineer.

B. Within thirty (30) days after receiving the application for grading permit the Building Official shall take action to either approve, approve subject to conditions, or disapprove the application subject to approval by the City Engineer. Failure by the Building Official to act within the time specified herein shall be deemed to be a grant of approval of the application as submitted, provided that the application as submitted does not conflict with any existing ordinance, statute, rule or law affecting the subject property.

C. The Building Official shall promptly notify the applicant in writing of the action taken. If the application is approved, the Building Official shall cause written verification of approval to be affixed on the application along with the date of approval. In the case of disapproval, or approval subject to conditions, the Building Official shall indicate the reasons therefor and shall return a copy to the applicant for revision in accordance with the action taken. The applicant shall then submit the revised application for review by the Building Official in accordance with the procedures set forth above.

D. Grading permits shall not be issued where:

- (1) In the opinion of the Building Official and/or City Engineer, the proposed work would cause hazards to the public health, safety or welfare; or
- (2) The proposed work fails to conform to the standards set forth herein.

E. In the event the Building Official has denied or conditionally approved an application for a grading permit, the applicant may, upon notice to the Commission, appeal in whole or in part any determination or action of the Building Official made within the scope of this section. Appeal shall be made without cost by providing written notification of the appeal to the Building Official and City Engineer within thirty (30) days after the date of the action from which appeal is brought.

F. The Commission shall decide all appeals within thirty (30) days after written notification of the appeal has been received by the Building Official. Failure to decide the appeal within such period shall have the effect of supporting the Building Official's action and denying the application as appealed. Except as above provided, the affirmative vote of at least three-fourths of the Commission members shall be necessary to overturn or modify the action from which appeal is sought. At the Commission meeting, the appealing party or parties shall be presented a reasonable opportunity to present their views. Decisions of the Commission may be appealed to the Council in the same manner as appeals from the action of the Building Official. A majority vote of the Council shall be necessary to overturn or modify the action of the Commission.

G. A grading application that has been denied by the Building Official, the Commission, or the Council may be resubmitted by the applicant to the Building Official pursuant to the terms of this section, upon payment of appropriate fees.

4. Permit Conditions.
 - A. The Building Official shall have the authority to stipulate any special conditions of the permit that may be required to ensure compliance with this section or as may be needed due to special site problems.
 - B. All permits shall be void unless grading is initiated within one year from the date the permit is issued.
 - C. No liability shall be attached to the City or its officials due to the approval or denial of a permit.
 - D. Upon completion of site grading, the applicant shall submit to the Building Official and City Engineer a certification from a registered professional engineer that said work was completed in accordance with the grading permit issued.
 - E. No material change will be made in the plans submitted without prior written approval of the Building Official.
5. Bond. Prior to the issuance of a grading permit by the Building Official, the applicant shall furnish a corporate surety bond in an amount deemed necessary by the Building Official and City Engineer to ensure that the work will be completed in compliance with the permit issued and to protect and hold the City harmless against carelessness and neglect on behalf of the applicant, the applicant's agents or contractors.
6. Fees. At the time of filing an application for a grading permit, a non-refundable application fee according to a schedule adopted from time to time by resolution of the Council shall be paid. An additional non-refundable fee according to a schedule adopted from time to time by resolution of the Council will be charged for plan review and site inspection at the time the grading permit is issued.
7. Responsibility of Applicant. During grading operations the applicant shall be responsible for:
 - A. The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment.
 - B. The prevention of damage of adjacent property.
 - C. Carrying out the proposed work so as not to grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any other public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
 - D. Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of this section.
 - E. The prompt removal of excessive soil, miscellaneous debris or other materials, applied, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares during transit to and from the construction site.
 - F. Completing the grading operation and the erosion control measures within the time schedule stipulated in the grading permit application.
 - G. Conducting any earth changes in such a manner as to effectively reduce accelerated soil erosion and resulting sedimentation.

- H. Designing, implementing and maintaining acceptable soil erosion and sedimentation control measures, in conformance with the Soil Conservation Districts Law, also known as Chapter 161A of the Code of Iowa, and adopted rules of the Polk Soil Conservation District as they pertain to erosion control and which effectively reduce accelerated soil erosion.
- I. Designing, constructing and completing all earth changes in such manner that the exposed area of any disturbed land shall remain exposed for the shortest possible period of time.
8. Maintenance Requirements. The applicant shall be responsible for properly carrying out all soil and sedimentation control measures under this section in accordance with the approved grading plan. The applicant and all subsequent owners of property as to which such measures have been taken shall maintain all permanent erosion control measures, retaining walls, structures and other protective devices.
9. Minimum Design Standards For Erosion and Sediment Control.
- A. All grading plans and specifications, including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with but not limited to the standards contained in the Iowa Guidelines for Soil and Water Conservation in Urban Areas published by the Department of Agriculture and Land Stewardship. Copies of said standards shall be available for inspection in the office of the Building Official.
- B. Sediment caused by accelerated soil erosion shall be removed from run off water before it leaves the development site.
- C. Any temporary or permanent facility designed and constructed for the conveyance of water around, within, through or from the development site shall be designed to limit the water flow to a non-erosive velocity.
- D. Temporary soil erosion control facilities shall be removed and disturbed areas graded and stabilized with permanent soil erosion control measures, all pursuant to the stipulated time schedule and to approved standards and specifications as prescribed by the Iowa Guidelines for Soil and Water Conservation in Urban Areas and in accordance with the Urban Design Standards and Urban Standard Specifications.
- E. Unless the approved plan designates temporary construction erosion control measures prior to any initial grading, permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area shall be completed within 15 workable days after final grading or the final earth change has been completed.
10. Minimum Design Standards for Grading.
- A. Prior to any grading, the applicant shall locate all utility lines that exist on the property. All utility lines are to be protected from damage during construction. If the grading involves utility line relocation, said work shall be done under the supervision of the appropriate utility company.
- B. No cut or fill shall be made within an easement area for streets, sewers or other utilities unless approved, in writing by the person holding said easement.

C. In general, all grading operations shall be conducted in such a manner that accelerated soil erosion shall not occur. Upon completion of final grading, permanent soil erosion control features will be utilized which will also eliminate accelerated soil erosion. Methods to be used include, but are not limited to: seeding, sodding, mulching, terraces, grade stabilization structures, grassed waterways, sediment basins, and storm drain outlet protection. All temporary and permanent facilities are to be designed in accordance with the standards set forth in the Guidelines for Soil and Water Conservation in Urbanizing Areas, published by the Iowa Department of Agriculture and Land Stewardship.

D. The slope of cut and all surfaces shall not be steeper than is safe for their intended uses. They shall be no steeper than two horizontal to one vertical.

E. All fills shall be compacted to a minimum of 90% maximum standard density. For fills made to support structures, the density will be as specified in the Uniform Building Code or Soils Engineering Report.

F. All cuts and fills shall be setback for all property lines and structures in accordance with the following minimum criteria. These are minimum setbacks and may be increase by the Building Official, if necessary.

Fills:	Minimum Setback From Property Line	Minimum Setback From Face of Structure
Less than 5-foot heights	5 feet	1/2 fill height
5 to 30-foot height	5 feet + 1/2 fill height	1/2 fill height
Greater than 30-foot height	20 feet	1/2 fill height 20-foot max.
Cuts:		
Less than 5-foot height	7 feet	1/2 cut height
5 to 30-foot height	6 feet + 1/5 fill height	
Greater than 30-foot height	12 feet	15 feet

G. No fill shall be placed in a channel or on the flood plain of a river or stream draining two square miles or more without the approval of the Iowa Department of Natural Resources. For streams draining less than two square miles, the following shall apply:

- (1) No fill shall be placed in the channel of a drainageway unless another channel width is placed on either side thereof.
- (2) No fill shall be placed on the flood plain of a drainageway within an area defined as containing the channel plus one channel width on each side thereof.

H. For individual building lots within subdivisions, the following shall apply: The land surrounding all buildings shall be graded such that water, including that from sump pump discharges, will drain away from the structures to a natural or manmade waterway.

11. Inspections.

A. All grading operations for which a permit is required shall be subject to inspection by the Building Official. When required by the Building

Official as a result of inspections, or when so stipulated in the grading permit, the permittee shall undertake all required engineering test, the results of which will be forwarded to the Building Official by a registered professional.

B. None of the requirements of paragraph A shall relieve the permittee from the responsibility of retaining the services of a registered professional for inspection purposes during construction. Said professional shall be the liaison between the Building Official and the permittee, and shall be responsible for carrying out the technical inspection and testing requirements of the grading permit.

C. If, in the course of fulfilling their responsibility under this ordinance, the registered professional or authorized testing agency finds that the work is not being done in conformance with the grading permit, the discrepancies shall be reported immediately, in writing, to the permittee and Building Official. In the event that the Building Official finds discrepancies, said written notice shall be given to the registered professional and permittee. Once discovered, the permittee shall immediately take whatever action is necessary to effectively correct the deficiencies.

12. Revocation of Permits.

A. If, after issuance of a grading permit, it becomes apparent to the Building Official that the work is not being done in conformance with said permit, the Building Official shall give written notice of the discrepancies to the permittee. The permittee shall be responsible for undertaking any necessary corrective actions within the time limit so specified in the notice from the Building Official.

B. If the permittee fails to undertake the corrective actions necessary within the specified time period, the Building Official has the authority to issue a written notice revoking said permit and thus requiring further work on the project to cease.

13. Notification of Completion.

A. Upon completion of the work covered by the grading permit, the permittee's registered professional shall submit a certification that the work was accomplished in accordance with the grading permit.

B. In the event that minor modifications in the plans are necessary as construction progresses, certified "as-graded" plans will also be submitted upon completion of the work.

14. Special Hazards.

A. Whenever the Building Official determines that any existing excavation, embankment or fill on private property has become a hazard to life and limb, endangers property, or adversely affects the safety, use or stability or a public way or drainage channel, the owner of the property upon which the excavation of fill is located, or other person or agent in control of said property, upon receipt of a notice in writing from the Building Official, shall within the time period specified therein repair or eliminate such excavation, embankment or fill so as to eliminate the hazard and be in conformance with this section. In the event that the necessary corrective

action is not taken within the time period specified, each day is considered a separate violation.

15. The permittee shall submit three copies of the record drawings prepared by the permittee's engineer in accordance with the Code of Iowa and one digital copy of said drawings in Arc View, MicroStation, AutoCad or other approved format. Such drawings shall show the "as-built" grading and shall include spot elevations along the flowline of drainage swales and ditches at each property line along with a note on the as-built drawings stating the drainage ditches and/or swales were constructed to the designed depth and width and that said ditches and/or swales are located within the overland flowage easements shown on the Final Plat. Such drawings shall be public record and shall be made available for public review and use of the information shown. Provided, however, the City does not warrant or guarantee the accuracy of such drawings and nothing in this section is intended nor shall it be construed or interpreted to create any such warranty.

(Ord. 2010-2000 – Apr. 11 Supp.)