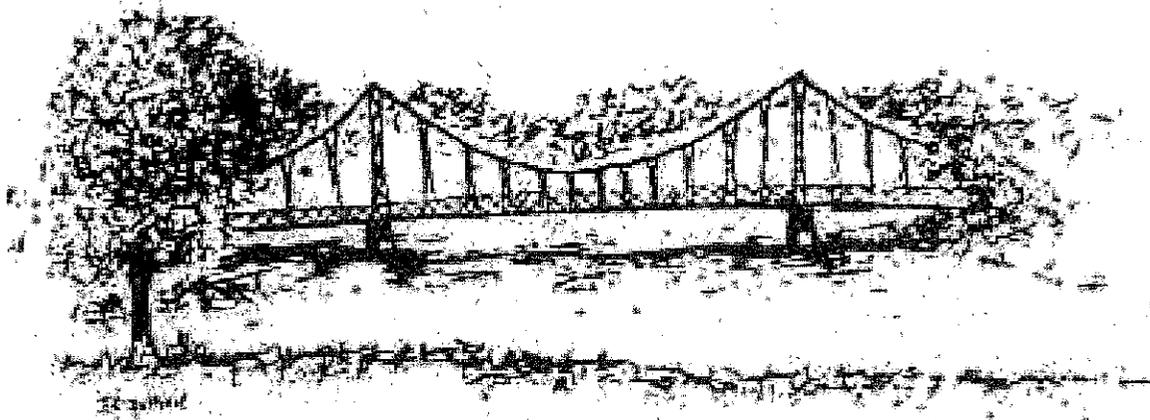


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# ***SUBDIVISION ORDINANCE***

## ***CHARLES CITY, IOWA***



Approved by:  
    Planning and Zoning Commission   11/01/04  
    City Council                        1/03/05

Effective:                               1/07/05



**SUBDIVISION ORDINANCE  
CHARLES CITY, IOWA  
2005**

**CITY COUNCIL**

James A. Erb, Mayor  
Dean Andrews  
Andy Cerio  
Jerry Joerger  
Dennis Sanvig  
Arvin Tibbitts

**PLANNING AND ZONING COMMISSION**

Marilee Monroe  
Ed Duroe  
Norm Gerdes  
Betty Held  
Tom Keiser  
Chuck LeMaster  
Mike Schear

**CITY STAFF**

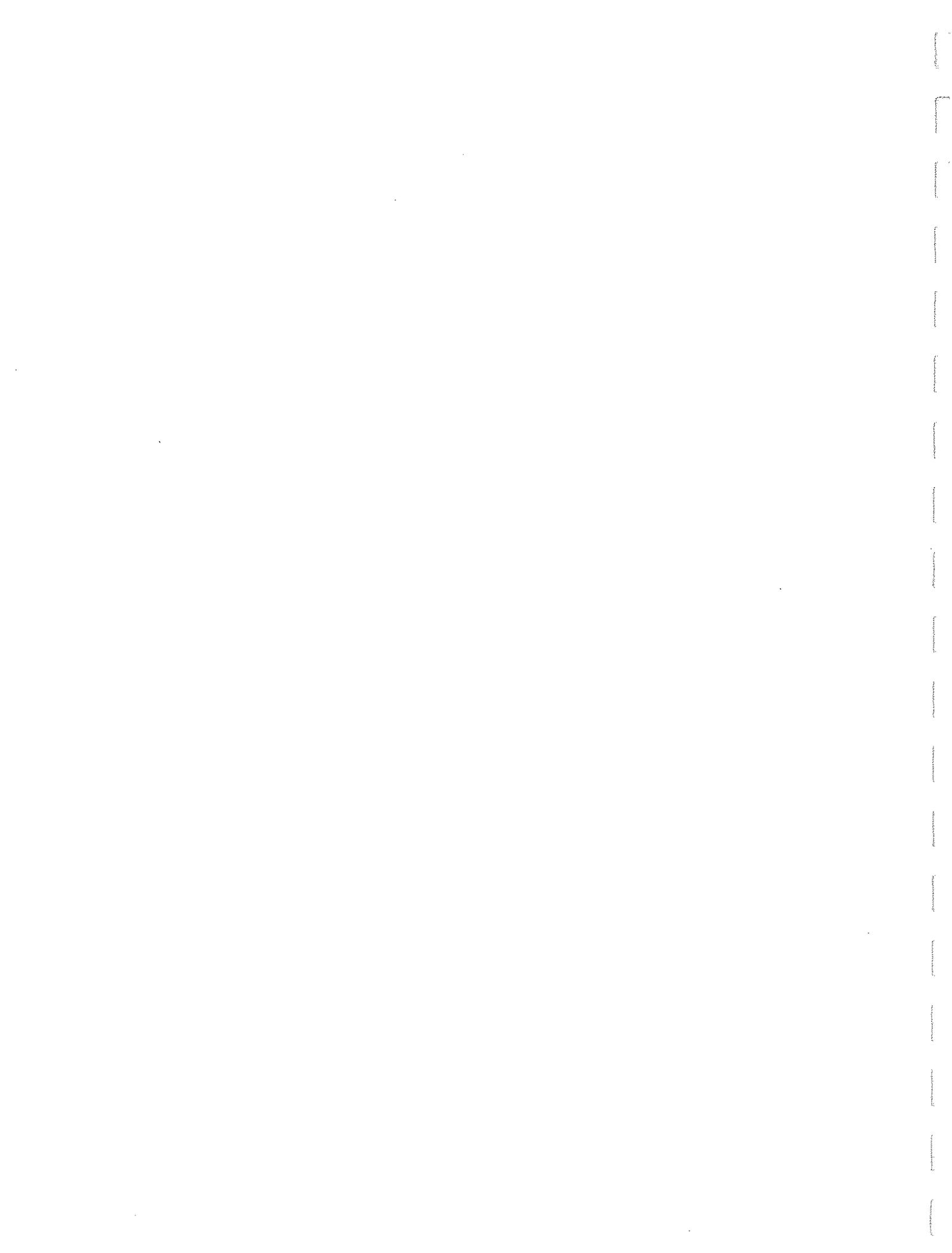
Don Lorsung, City Administrator  
Jody Meyer, City Clerk  
Ralph Smith, City Attorney  
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Dave Boehmer, Assistant Building Official  
Roy Schwickerath, Fire Chief/Building Official  
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Prepared by  
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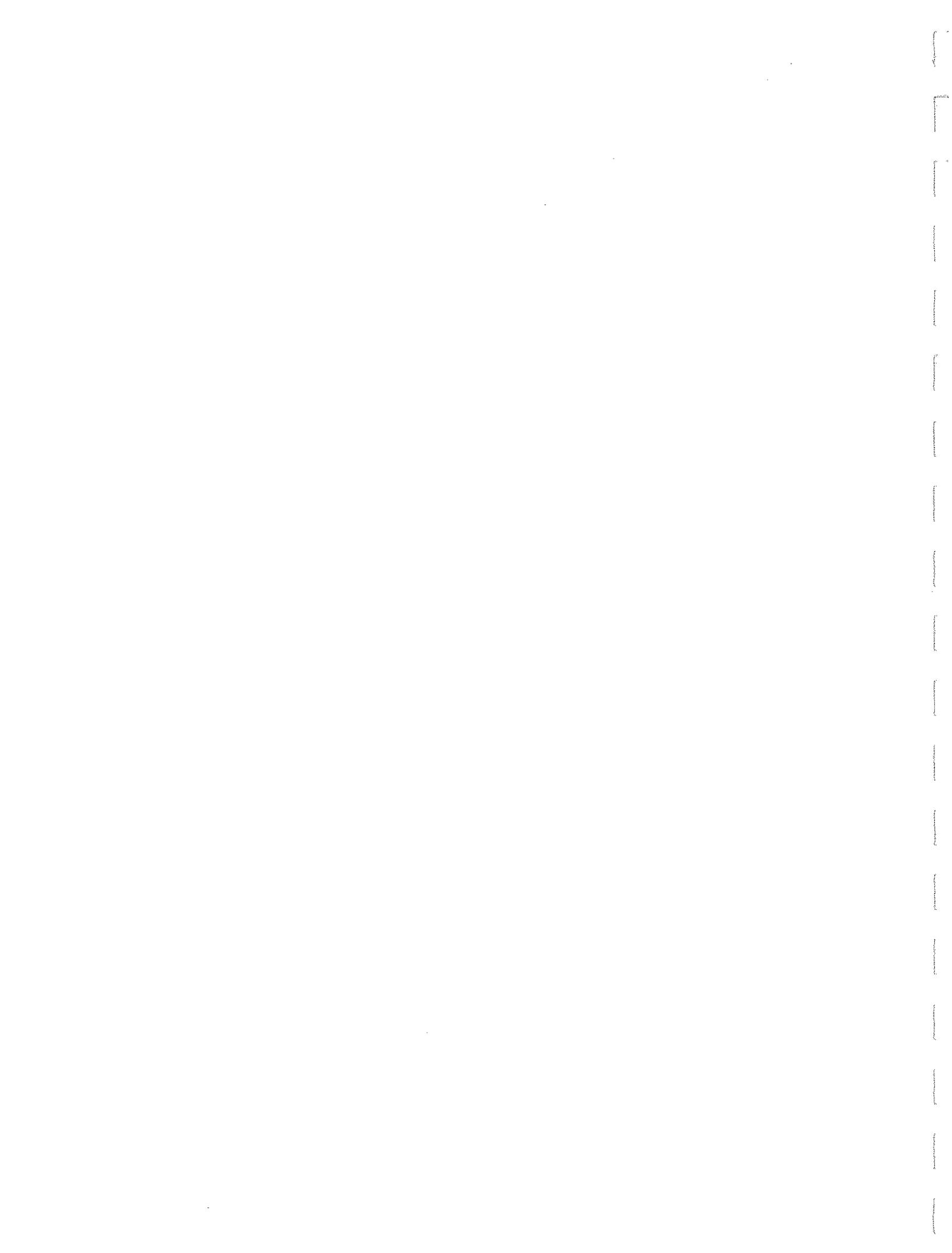


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**ORDINANCE NO. 1014**

**SUBDIVISION ORDINANCE  
CITY OF CHARLES CITY, IOWA**

**PREAMBLE**

**AN ORDINANCE** providing rules and regulations for the approval of plats, subdivisions, resubdivisions, or dedications in Charles City and within two miles of the unincorporated areas of Floyd County; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof, all for the purpose of promoting the adequacy, safety, and efficiency of the street and road system; and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing the existing ordinance and all amendments thereto.

**WHEREAS** the City Council has adopted a Comprehensive Plan as a guide to the future development of Charles City; and

**WHEREAS** in accordance with said Comprehensive Plan the City Council has adopted a zoning ordinance to assist in controlling the future development of Charles City by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings, the density of population and the locations and uses of buildings and structures for agriculture, residences, commerce, industry and other purposes; and

**WHEREAS** it is essential that the subdivisions of land be coordinated with the zoning ordinance for the purpose of guiding the future development of Charles City as outlined in the Comprehensive Plan; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Charles City, Iowa:

**SECTION 1.** The existing subdivision regulations of the City of Charles City as amended, is hereby amended by repealing and enacting in lieu of the preceding subdivision ordinance, the following subdivision ordinance.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED BY THE CITY COUNCIL ON THE 3rd DAY OF January, 2005, AND APPROVED ON THE 3rd DAY OF January, 2005, AT THE CITY OF CHARLES CITY, IOWA.

/s/ James A. Erb  
Mayor

/s/ Jody Meyer  
City Clerk

Published as Ordinance No. 1014 in the Charles City Press on the 7th day of January, 2005.

## SECTION I

### PURPOSE AND JURISDICTION

#### A. PURPOSE

Because each new subdivision accepted by the City becomes a permanent unit in the basic physical structure of the future community and to which the future community will, of necessity, be forced to adhere, all subdivisions hereafter planned within the incorporated limits of the City of Charles City, and within two miles of the unincorporated Floyd County, shall in all respects be in full compliance with the regulations hereinafter contained in this Ordinance. These regulations are designed to provide for the orderly and harmonious development of the City of Charles City for the coordination of streets within new subdivisions with other existing or planned streets, and to secure a uniform system of utilities and services, and otherwise to promote realization of the Comprehensive Plan of the City of Charles City.

#### B. JURISDICTION

1. **Outside City.** In accordance with the provisions of Section 354.9 of the Code of Iowa, these regulations shall apply to the subdivision of land within two (2) miles of the corporate limits.

The City Council shall have the right to waive such requirements as are contained in this Ordinance to the end that the City Council is satisfied that equally suitable regulations have been placed on these subdivisions by the Board of Supervisors; provided however, that the Floyd County Board of Supervisors furnish the Commission and Council with a copy of said subdivision certifying that all requirements of the appropriate County ordinances have been met. The Commission shall study such plat to determine that no conflict exists with the extension of existing streets and rights-of-way within the City into the unincorporated area and to determine if the plat would otherwise interfere in any way with the implementation of the Comprehensive Plan for the City of Charles City. If the Commission is satisfied by their studies that these conditions are provided for, they shall endorse their approval upon said plat and submit it to the City Council. Upon approval by the City Council, the City Clerk shall notify the County Auditor and Recorder in accordance with the provisions of existing statutes.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the City of Charles City and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the City of Charles City.

2. **City Inspection.** All improvements constructed on any land subject to the jurisdiction of the City shall be inspected by the City and shall comply with the City's standard construction specifications.

## SECTION II

### RULES AND REGULATIONS

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules:

1. the singular number includes the plural and the plural the singular;
2. the present tense includes the past and future tenses, and the future the present;
3. the word "shall" is mandatory, while the word "may" is permissive;
4. whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis, directly after a word herein defined, shall be construed in the same sense as that word;
5. the masculine gender includes the feminine and neuter;
6. all measured distance, expressed in feet, shall be to the nearest integral foot. If a fraction is one-half foot or more the integral foot next' above shall be taken; and
7. the following words and terms, wherever they occur in this Ordinance, shall be construed as here defined:

#### **A. DEFINITIONS**

**ACQUISITION PLAT:** The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

**ADMINISTRATIVE OFFICER:** The City Official appointed by the City Council to assist with the administration of this Ordinance.

**ALIQUOT PART:** A 40-acre fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

**ALLEY:** A right-of-way, with a width not exceeding 24 feet, which affords a secondary means of access to abutting property.

**ARTERIAL STREET (THOROUGHFARE, MAJOR STREET, HIGHWAY):** A public right-of-way with the highest degree of traffic continuity and serving as a major trafficway for fast or heavy traffic between the various districts of Charles City, as shown on the Comprehensive Plan.

**AUDITOR'S PLAT:** A plat prepared at the request of the County Auditor to clarify property boundaries for the purposes of assessment and taxation.

**BLOCK:** An area of land within a subdivision that is entirely bounded by streets and the exterior boundary or boundaries of the subdivision.

**BOND:** 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 City Council whenever a bond is required by these regulations.

**BUILDING SETBACK LINE:** A line within a plat or other parcel of land, so designated on the preliminary plan between which and the adjacent street the erection of an enclosed structure or fence is prohibited.

**CITY:** The City of Charles City, Iowa.

**CITY CLERK:** The City Clerk of the City of Charles City, Iowa.

**CITY COUNCIL:** The City Council of the City of Charles City, Iowa.

**CITY ENGINEER:** A registered Civil Engineer that is appointed or designated by the City of Charles City to serve in this capacity for the purposes of this Ordinance and its provisions.

**COLLECTOR STREET:** A street of considerable continuity which carries traffic from local streets to an arterial street, including the principal entrance streets of residence development and the principal circulating streets within such a development.

**COMPREHENSIVE PLAN:** Refers to the composite of the functional and geographic elements of the Plan or any segment thereof, in the form of plans, maps, charts and textual material, as adopted by the City of Charles City.

**CONSTRUCTION PLANS:** 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.

**CONTRACTOR:** Any person who constructs the improvements required herein.

**CUL-DE-SAC:** A minor street having one open end and being permanently terminated at the other by a vehicular turn-around.

**DEAD-END STREET:** A street presently closed to through traffic at the end and is planned for future extension.

**EASEMENT:** A grant by a property owner of the specific use of a strip of land by others.

**FINAL PLAT:** A map or plan of a subdivision, and any accompanying material, as described in Section VI.

**GOVERNMENT LOT:** A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

**HALF STREET:** A street bordering one or more property lines of a tract of land in which the developer has allocated out part of the ultimate right-of-way width in accordance with the requirements as set forth in Section VIII.

**LOCAL STREET:** A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.

**LOT:** A portion of subdivision or other land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

**LOT, BUTT:** A lot at the end of a block and located between two corner lots.

**MAINTENANCE BOND:** A surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this Ordinance, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements have been constructed by the contractor in accordance with this Ordinance and the City's standard specifications.

**MARGINAL ACCESS STREET:** A minor street which is parallel to and adjacent to, or in the immediate vicinity of an arterial street and which has for its purpose the relief of such thorough fare from the local service of abutting properties.

**METES AND BOUNDS DESCRIPTION:** A description of land that uses distances and angles, uses distance and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

**OFFICIAL PLAT:** Either an auditor's plat or a final subdivision plat that meets the requirements of this Ordinance and has been filed for record in the offices of the recorder, auditor and assessor.

**OWNER:** Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the Ordinance for himself or for another.

**PEDESTRIAN WAY (CROSSWALK):** A right-of-way across a block or providing access within a block, to be used primarily by pedestrians.

**PERFORMANCE BOND:** A surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this Ordinance, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this Ordinance.

**PERMANENT REAL ESTATE INDEX NUMBER:** A unique number or combination of numbers assigned to a parcel of land pursuant to 441.29, Code of Iowa, as amended.

**PERSON:** Any individual, firm, association, partnership, corporation, trust, or any other legal entity.

**PLANNING AND ZONING COMMISSION:** The Charles City Planning and Zoning Commission.

**PLANS OF RECORD (AS-BUILT):** Plans prepared by a registered engineer, showing the engineer's signature and certifying that the public improvements have been constructed as shown.

**PLAT:** A map, drawing, or chart representing a proposed subdivision of land submitted by the owner with intent to record.

**PLAT OF SURVEY:** 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.

**PRELIMINARY PLAT:** A tentative map or plan of a proposed subdivision, as described in Section V.

**PROPRIETOR'S PLAT:** A plat submitted by the owner of the land being platted, or his agent, or other private entity, acting with the consent of the owner.

**PROTECTIVE COVENANTS:** Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**STREET (AVENUE, HIGHWAY, ROAD, BOULEVARD, LANE):** A right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties.

**STREET (PRIVATE):** A road or street in a subdivision not dedicated and/or accepted by the City of Charles City as a public street, but built in accordance with standard specifications of the City of Charles City. Maintenance of said private street shall not be the responsibility of the City of Charles City.

**STREET (PUBLIC):** A road or street in a subdivision which meets all requirements and has been constructed in accordance with the standard specifications of the City of Charles City and for which a right-of-way has been granted and accepted by the City of Charles City. Maintenance of said public street shall be the responsibility of the City of Charles City.

**STREET WIDTH:** The shortest distance between lines delineating the right-of-way of a street.

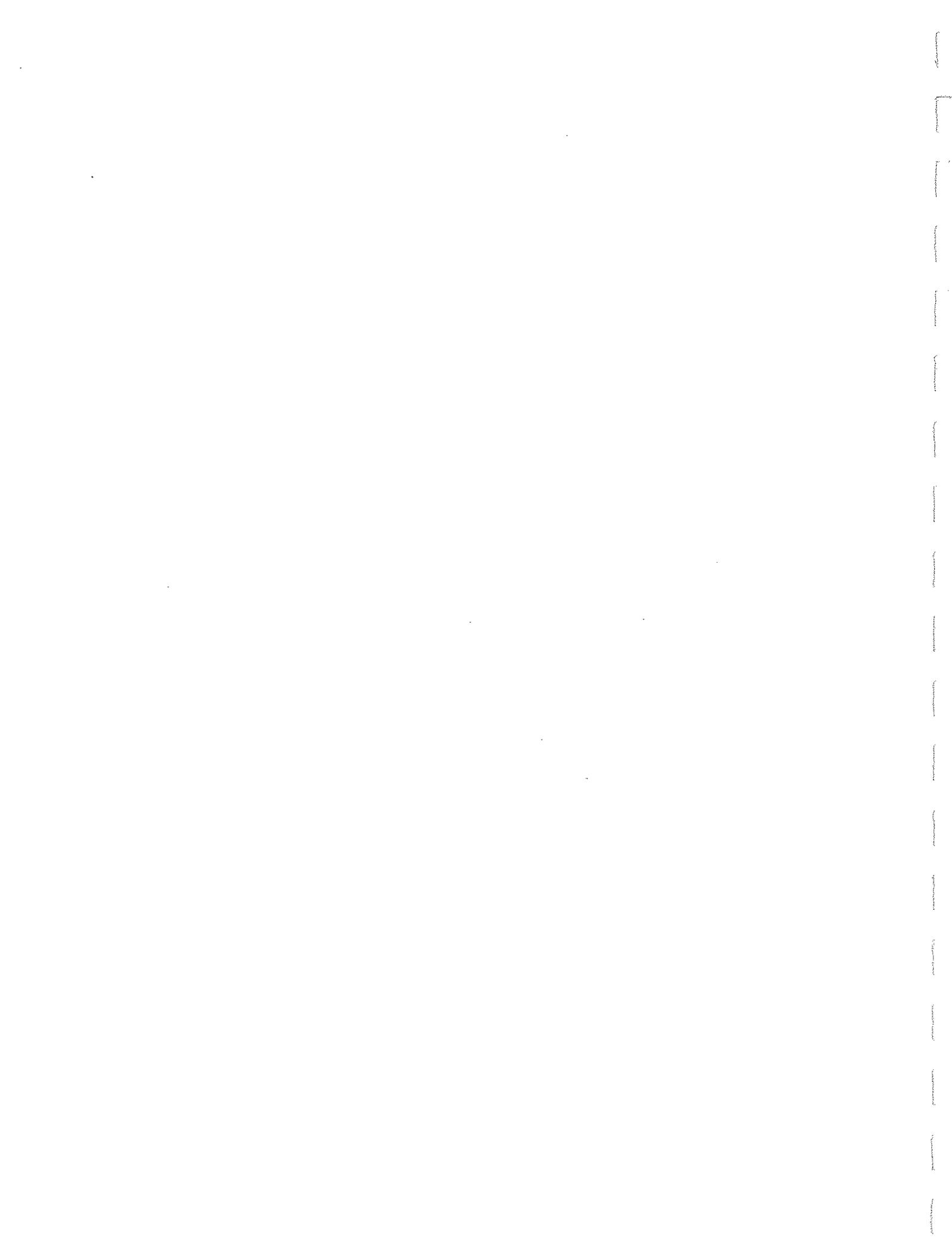
**SUBDIVIDER:** Any person commencing proceedings under this Ordinance for himself or for another.

**SUBDIVISION:** A described tract of land which is to be or has been divided into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street involved, any division of a parcel of land. The term includes subdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided. However, the sale or exchange of parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots or non-conforming lots, shall not be considered a subdivision but shall be subject to provisions for a minor property transfer.

**SUBDIVISION DESIGN STANDARDS:** The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

**SUBDIVISION - MINOR:** The division of a lot, tract, or parcel of land that meets the following conditions:

- (a) All the lots of the subdivision abut an existing dedicated public road, highway, or street.
- (b) No new street within the subdivision is proposed nor is any new street required by the City in order to assure adequate access to an existing public road, highway, or street from any of the lots of the subdivision.
- (c) All City service systems and public improvements are already extended so that each system is readily accessible for the direct and individual service connection thereto from each lot of the subdivision.



## SECTION III

### GENERAL PROVISIONS

#### A. INTREPRETATION

1. **Minimum Requirements.** These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. **Relation To Other Regulations.** 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 provision of these regulations or any other ordinance, rule or regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.
3. **Conditions.** No land within the corporate limits of the City or within two (2) miles of the corporate limits of the City shall be subdivided until the subdivider or agent has obtained final approval of the plat by the Council.
4. **Building Permits and Certificates of Occupancy.** No more than one (1) building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by sub-division 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.
5. **Public Improvements.** No public improvements over which the City Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of adoption of these Subdivision Regulations unless the subdivision and streets have been approved in accordance with the provisions of these Subdivision Regulations and the street accepted by the City Council as a public street.

**B. RESERVATIONS AND APPEALS**

1. 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 (1) 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 (1) year from the time of such preliminary plat approval the applicant has not completed public improvements and made application for final plat approval by the City 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.

**C. AMENDMENTS**

1. These Subdivision Regulations may be amended from time to time by the City Council. Such amendments as may be proposed shall first be submitted to the Planning and Zoning Commission for study and recommendation. The Commission shall report within a reasonable time, after which the City Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

**D. ACRE SUBDIVISION**

1. When land is subdivided and subdivision plat shows one or more lots containing more than one (1) 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.

**E. AUDITOR'S PLATS**

1. The Commission and Council shall have the right to waive provisions governing preliminary and final approval and public improvements 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. An Auditor's Plat shall not be construed to mean a subdivision.

**F. VACATION OF PLATS**

1. Shall be in accordance with the provisions of Sections 354.22 and 354.23 of the Code of Iowa.

## G. VARIATIONS AND EXCEPTIONS

1. Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development of 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, that 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 surrounding area.

## H. FEES

1. **Filing Fee.** Before a preliminary plat or final plat shall be considered by the Commission, the applicant or agent shall deposit with the City Clerk a filing fee as established by the City Council. The appropriate fees shall be deposited at the time of filing of each of the preliminary plat and final plat. The schedule of fees shall be posted in the office of the City Clerk and may be periodically altered or amended by Resolution of the City Council.
2. **Costs.** In addition to the plat filing fees, the subdivider shall be responsible for just and reasonable costs incurred by the City for review of plats and construction drawings, and 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.

## I. ENFORCEMENT, VIOLATIONS AND PENALTIES

1. **Enforcing Officer.** It shall be the duty of the Administrative Official or person designated by the City Council to enforce these regulations and to bring to the attention of the City Council of any violations or lack of compliance herewith.
2. **Action By Law or Equity.** 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 penalties for violation of this Code of Ordinances.

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## SECTION IV

### PLATTING PROCEDURES AND PLAT REQUIREMENTS

#### A. PRELIMINARY PLATTING PROCEDURE

Prior to the filing of a preliminary plat, the subdivider shall consult with Administrative Official of the City to become familiar with the regulations of the Ordinances and Comprehensive Plan concerning the ultimate land use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, and the sanitary and water services required for the lots.

1. Whenever the owner of any tract or parcel of land within jurisdiction of this Ordinance wishes to subdivide or plat the same, said person shall attend a pre-application conference and provide a sketch plan of the proposed development to discuss the feasibility and design prior to submitting a formal application. Participants at the pre-application conference may be the developer or developer's agent, the developer's engineer, landscape architect or land surveyor; the Administrative Official and City Engineer; and any other official of government or private utility deemed by the City to have an interest in the layout for the facilities to be furnished in the subdivision.

The purpose of the "Pre-Application Conference" is to afford the developer an opportunity to meet and receive information and assistance of the City, and to consult informally before preparation of the preliminary plat and before formal application for its approval is submitted to the City.

The time and place of the pre-application conference shall be set by the Administrative Official within seven (7) days of the submission of the request and any accompanying exhibits of the development.

2. Preliminary Plat. After the pre-application conference, if the owner of any tract or parcel of land within the jurisdiction of this Ordinance does wish to subdivide or plat the same, said person shall cause to be prepared a preliminary plat of said subdivision, and shall submit nine (9) copies of said preliminary plat and other information to the Administrative Official. The preliminary plat shall contain such information and data as is required by this Ordinance.
3. The Administrative Official shall immediately transmit seven (7) copies of the preliminary plat to the Planning and Zoning Commission, one (1) copy to the City Engineer, and one (1) copy to the Utility Advisory Board.

4. The Planning and Zoning Commission may, at its discretion, hold a public hearing on the preliminary plat; consider the recommendations of the City Engineer and Administrative Official as well as the following factors:
  - (a) The relation of the proposed subdivision to the Comprehensive Plan and public interest, and conformance with the City Zoning Ordinance, and plats within two miles of the City with the County Zoning Ordinance.
  - (b) The effect of the proposed subdivision on the environment.
  - (c) The compliance of the proposed subdivision with the provisions of this Ordinance.
  - (d) The suitability of the area for the proposed development, with special attention to site features such as topographic and subsurface conditions.
  - (e) The availability of utilities and various public services such as police and fire protection, schools, parks and solid waste disposal.
  - (f) The availability of access from existing highways and streets and the nature of the altered traffic pattern that may result from the proposed subdivision.
  - (g) The use of sound planning and engineering practices in developing the plat and its features.
5. The Commission shall, within forty-five (45) days of receipt of the plat, submit its recommendations to the City Council whether of approval, modification or disapproval, stating its reasons therefore. The subdivider, may, however, agree to an extension of time not to exceed sixty (60) days. A copy of the recommendation shall be forwarded to the subdivider.
6. The City Council, upon receipt of the Commissions' recommendation, or after the forty-five (45) days or any extension thereof shall have passed, shall by resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the City Council shall advise the subdivider of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the City Council shall constitute approval to proceed with preparation of the construction plans and final plat but shall not be deemed approval of the subdivision.

## **B. CONSTRUCTION PLANS**

1. Upon approval of the preliminary plat by the City Council, the owner shall cause to be prepared by a registered engineer construction plans of at least one phase of the approved preliminary plat. The construction plans shall be in accordance with the design standards of the subdivision regulations and standard specifications by the City. The construction plans and specifications shall be reviewed by the City Engineer and upon its recommendation approved by the City Council prior to commencement of improvements. Two (2) certified copies of the Iowa Department of Natural Resources (IDNR) approved construction drawings, and other permits as required by the State and County regulatory agencies must be received prior to acceptance and approval of construction plans by the City Council. Construction may commence after City Council approval, and the improvements completed within one (1) year of the approval of preliminary plat, unless an extension is granted by the City Council.
2. Plans and profiles of all streets and alleys shall be drawn at a 50-foot horizontal scale and a 5-foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of roadways and east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

## **C. FINAL PLATTING PROCEDURE**

1. A final plat shall be submitted within one (1) year of the approval of the preliminary plat, and approval of public improvements of at least one phase of the preliminary plat or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats above, except that a public hearing shall not be required.
3. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the City Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the County Auditor and County Recorder, along with such other certifications and instruments as may be required by law.

#### **D. MINOR PLAT**

1. To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the minor subdivision will waive the preliminary plat procedure and requirements when the conditions below have been met.
  - (a) Upon recommendation and determination of the Administrative Official with the recommendation of the City Engineer that the proposed subdivision meets the conditions as specified in Definitions; Subdivision - Minor, a developer may be permitted to proceed with a minor subdivision.
  - (b) The minor plat shall be processed in the same manner as required for final plat.

#### **E. AUDITOR'S PLAT**

With regard to Auditor's Plats as distinguished from proprietor's plats the Commission and City Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections A, B, C and D.

1. Providing there is on file with the Commission a copy of the request of the Floyd County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

#### **F. PERMITS**

1. Following the submittal of Certification of Recording of the final plat, the applicant or property owners within the recorded plat may make application to the City for the certificate of zoning compliance and/or building permits, in accordance with the City's regulations. Occupancy permits will not be issued until the above procedures have been completed.

#### **G. PLATS WITHIN TWO (2) MILES OF A CITY**

1. The procedure for plats within two (2) miles of a city having extraterritorial subdivision control shall be in accordance with provisions of Section 354.9 Code of Iowa and the same as set out for preliminary and final plats in Sections A, B, C and D, and as hereinafter provided.
  - (a) The subdivider shall also file such plats with the County in accordance with its established procedures.
  - (b) The Commission shall submit its recommendations to the County.

- (c) If action by the County is in accord with the recommendations of the Commission, the City Council shall concur with such action, provided that the design standards and improvements required are not less than those established herein.
- (d) The City Council shall have the right to waive such requirements, as are contained in this Ordinance, for such subdivisions whenever the City Council, upon recommendation by the Commission is satisfied that equally suitable regulations have been placed on these subdivisions by the Board of Supervisors of Floyd County.
- (e) A plat shall be considered to have been approved and authorized for filing with the County Auditor and County Recorder only after it has been approved by the City Council, as prescribed by this Ordinance and by the Floyd County Board of Supervisors.

#### **H. PROFESSIONAL ASSISTANCE**

- 1. The City Council or the Planning and Zoning Commission may request such professional assistance as deemed necessary to properly evaluate the plats submitted.

#### **I. PERFORMANCE BOND**

- 1. Before the final plat of any area shall be approved by the City Council and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may, subject to approval by the City Council and recommended by the Planning and Zoning Commission, post a performance bond, approved by the City Attorney and City Treasurer, with the City Council, which bond will ensure to the City that the improvements will be completed by the subdivider within one (1) year after approval of the preliminary plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the City Engineer. If the improvements are not completed within the specified time, the City may use the bond or any portion thereof to complete same. For plats located in unincorporated areas within two (2) miles of the corporate limits, the Commission and Council may waive the requirements of this section provided they are satisfied that the subdivision regulations of the County governing the area within which the subdivision is located are sufficient to ensure adequate conformance with these regulations.

If a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after all construction has been completed, all in accordance with the requirements of this Ordinance and City specifications.

## SECTION V

### PRELIMINARY PLAT

Preliminary plats submitted to the City for approval shall contain and show on the plat drawing the following information.

#### A. GENERAL

The preliminary plat of a subdivision is not intended to serve as record plat. Its purpose is to show on a map all information needed to enable the Commission and City Council to determine whether the proposed development is in public interest.

#### B. IDENTIFICATION AND DESCRIPTION

1. Proposed name of subdivision (not duplicating name of any plat heretofore recorded in Floyd County - as the case might be).
2. Legal description of the plat.
3. Names and addresses of owner, or subdivider having control of the tract, name and seal of registered surveyor who prepared topographic survey, and designer of the plan.
4. Graphic (engineering) scale not smaller than one inch to 100 feet.
5. North-point (designated as true north).
6. Date of initial preparation and subsequent revision dates.

#### C. EXISTING CONDITIONS

1. Boundary line of proposed subdivision clearly indicated.
2. Total approximate acreage therein.
3. Existing Zoning Districts.
4. Location, widths and names of all existing or previously platted streets or other rights-of-way, showing type of improvement, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines, within the tract and to a distance of 100 feet beyond the tract.

5. Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract, and also indicating such data as grades, invert elevations and locations of catch basins, manholes and hydrants.
6. Location map, drawn at a scale of not less than one inch equals 1,000 feet, showing boundary lines of adjoining unsubdivided or subdivided land, within an area bounded by nearest arterial streets or other natural boundaries identifying type of use an ownership of surrounding land and showing alignments of existing streets.
7. Topographic data including existing and proposed contours at vertical intervals of not more than two feet except in extreme topographical conditions or as determined by the City Engineer such vertical intervals may be not more than five feet. Topographic data shall refer to the City of Charles City Datum. Water sources, marshes, rock outcrops, other significant features, and soil boring data at locations and depths as may be required by the Planning and Zoning Commission.
8. Locations of or reference to locations of existing monuments or survey markers used in preparation of survey and grade elevation or each monument and marker.
9. The 100-year flood limits of drainage courses and streams.

#### **D. SUBDIVISION DESIGN FEATURES**

1. Layout of streets - showing right-of-way widths and street names (not duplicating name of any street heretofore used in the City or its environs, unless street is an extension of or in line with an already named street - in which event that name shall be used) and showing proposed through streets extended to boundaries of subdivision.
2. Location and width of alleys, pedestrian ways, and utility easements.
3. Existing and proposed center line, and roadway width of each street and alley.
4. Typical cross-sections of streets together with an indication of the proposed storm-water runoff.
5. Layout, numbers and typical dimensions of lots to the nearest foot, and proposed land use for each lot, parcel or tract.

6. Minimum front and side-street building setback lines - indicating dimensions.
7. Layout of sidewalks and recreation trails.
8. Areas intended to be dedicated or reserved for public use - indicating, in each, the approximate area in acres.
9. Source of domestic water supply and type of sewage disposal, locations of sites for community domestic water plant and/or community sewage treatment plant.
10. Layout of utility systems including sanitary sewer, water and storm sewer systems.
11. Where municipal water supply and sanitary sewers are reasonably available, the subdivider shall connect to these utility systems. Where municipal systems are not available, proposed water supply and sewage treatment shall be indicated on the plat. The City Council may require "dry sanitary sewers" within a subdivision which is reasonable for future connections to municipal sewer system.
12. Percolation test results as approved by Floyd County shall be provided to the City for subdivisions with individual water supply and wastewater treatment system.
13. Stormwater management plan of the subdivision with stormwater drainage computations where retention and/or detention facilities are proposed.



## SECTION VI

### FINAL PLAT

#### A. GENERAL

1. **Preparation.** 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, area and bearings and the location of all land dedicated to the City for public purposes shall be accurately shown to scale and shall comply with Chapters 354 and 355, Code of Iowa within the tolerances established by the Code of Iowa.
2. **Preliminary Plat On File.** A final plat shall not be submitted until the preliminary plat has been approved by the City Council.
3. **Conformity With Preliminary Plat.** The final plat shall be submitted in substantial conformance with the approved preliminary plat.
4. **Exhibits.** Accompanying material shall not be shown on the plat drawings but as separate exhibits.
5. **Accompanying Material.** All accompanying material shall be deemed a part of the final plat. Any action taken on the accompanying material shall be considered the same and in effect as action on the plat.

#### B. CONTENTS OF FINAL PLAT

All plats submitted shall contain and show on the plat drawing the following items:

1. **Identification.** The name under which the proposed subdivision is to be recorded, compass point, date and scale.
2. **Legal Description.** 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 section corners as required in Chapter 355.8 of the Code of Iowa.
3. **Reference Ties.** Reference ties to section corners found or set as reference monuments for plat shall be in accordance with Chapter 355.11 of the Code of Iowa.
4. **Surveyor.** Names and address of the land surveyor.

5. **Streets, Railroads and Rights-of-Way.** Names, widths, and location of all existing or proposed streets, alleys, railroads and other public rights-of-way in the proposed subdivision.
6. **Existing Easements.** Location and character of all existing easements within the proposed subdivision including notation of recorded book and page number.
7. **Park Land Dedication.** The location and size of the parcel of land, if any, that the subdivider is dedicating to the City for park purposes. If the City has elected to accept a voluntary cash contribution in lieu of actual land dedication, such contribution shall be submitted with the final plat.
8. **Survey Data.** 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 (1/100th) of a 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 30 seconds of arc. Curve data for control lines such as boundary lines, etc. shall include as a minimum radius, central angle, curve length, chord, chord bearing, tangent, and degree of curvature. Curve data for all other lines shall include as a minimum radius, central angle, curve length, chord and chord bearing.
9. **Lot Numbers.** Proposed lot numbers as designated on the approved preliminary plat.
10. **Public Sites.** Any proposed sites for schools, parks or other public or semi-public areas as shown on the approved preliminary plat.
11. **Boundaries.** Boundaries of the proposed subdivision shall be indicated by a heavy line.
12. **Monuments.** All monumentation as required by Section 355.6 Code of Iowa, shall be designated on the plat and a legend provided describing the monuments, surveyor's cap number and the date the monuments will be or were set.
13. **Setback Lines.** Building setback lines shown on all lots in accordance with the zoning classification.
14. **Proposed Easements.** Proposed easements for public utility purposes.

15. When a proposed entrance of the subdivision is onto a controlled access street or road, letter of approval of the City's Engineer regarding such entrance shall accompany the final plat. Where such control is exercised by the Iowa Department of Transportation, the approval of this body shall accompany the final plat.
16. **Land Surveyor's Certificate.** Certification of land surveyor.
17. Any plat not containing all of the information specified above shall not be considered by the Commission.

**C. MATERIAL TO ACCOMPANY FINAL PLAT**

The following material shall be submitted for Commission and Council consideration:

1. **Final Plat.** The final plat of the subdivision in substantial conformance of the preliminary plat.
2. **As-Built Construction Drawings.** Construction drawings as approved by the City Engineer and City Council.
3. **Protective Covenants.** The protective covenants applicable to the plat. Protective covenants shall be noted on the final plat, or appropriately referenced thereon.
4. **Deed.** A deed to the City, properly executed, for all streets, park areas and any other property intended for public use.
5. **Owner's Certificate.** A certificate by the owner and spouse, if any, that the subdivision is with free consent and is in accordance with the desires of the owners. This certificate must be signed and acknowledged by the owner and spouse before notary public to take the acknowledgments of deeds.
6. **Such other documents** as are required by Section 354.11 Code of Iowa which shall be submitted to the County Recorder, prior to recording including a statement from the mortgage holders or lien holders, if any, an opinion by an attorney-at-law who has examined the abstract of title of the land being platted, a certified resolution by each governing body as required by Section 354.8, and a certificate of the treasurer that the land is free from certified taxes and certified special assessments.
7. **Performance bonds** in the amount and form in conformance with these regulations if applicable.
8. **Maintenance bonds** in the amount and form in conformance with these regulations.

9. **Resolution Accepting Public Property.** Resolution of acceptance for public property to be deeded to the City.
10. **Resolution Accepting Final Plat.** A prepared resolution for the City to accept the final plat.

**D. MINOR PLAT**

1. **Purpose and Intent.** To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the minor subdivision will waive the preliminary plat procedure when the conditions below have been met.
2. **Procedure.** Upon the recommendation from the pre-application conference, the determination of the Administrative Official with the recommendation of the City Engineer that the proposed subdivision meets the conditions as specified in Chapter I, Section 2 Definitions; Subdivision-Minor, a developer may be permitted to proceed with a minor subdivision.
3. **Application.** The application for a minor subdivision shall be submitted to the Administrative Official prior to the Planning Commission meeting at which time the plat is to be acted upon. The following shall be submitted with the application:
  - (a) Application fee.
  - (b) Number of copies of the plat as required by the Administrative Official.
  - (c) Statement listing all owners of record of the land being platted.
  - (d) A list providing property addresses, owner and their mailing addresses of all properties within 200 feet of the exterior boundaries of the plat obtained from the Floyd County Recorder's office.
  - (e) Any other supplemental material as required for final plat.
4. **Application Acceptance or Refusal:** Upon submittal of the minor subdivision plat, the Administrative Official shall review the plat to ensure all data required has been provided. The submitted application and supplemental material shall then be forwarded to the City Engineer for review of correctness of form. Specifically, the City Engineer may refuse to proceed with a minor subdivision plat if one or more of the following conditions are present.
  - (a) The proposed lots violate the City's zoning or subdivision ordinance.

- (b) The plat would require the dedication or vacation of any public right-of-way.
- (c) The plat would require the vacation of any necessary easements.
- (d) In the opinion of the City Engineer, additional public right-of-way should be dedicated.
- (e) In the opinion of the City Engineer, the plat does not conform to the Comprehensive Plan or other plans for the area.

If any of the above conditions are found and the developer wishes to proceed to subdivide, the preliminary and final plat procedure shall be adhered to in lieu of minor plat.

5. **Planning Review.** The City Clerk shall provide copies of the plat with a request for written comments in seven (7) days from the City Engineer, City Attorney, and any other utilities or governmental officials that are deemed necessary.
6. **Planning Commission Review.** The minor subdivision plat shall be reviewed by the Planning Commission in accordance with Planning Commission review of a final plat.
7. **Planning Commission Action.** The Planning Commission shall act on minor subdivision in accordance with Planning Commission action of a final plat.
8. **City Council Action.** The minor subdivision plat presented to the City Council shall be identical to the plat acted upon by the Planning Commission. Upon approval of the minor subdivision plat by the City Council, a certificate of recommended approval by the Planning Commission and approval by the Mayor of the City shall be signed. The minor plat shall be signed by the Chairperson and Secretary of the Planning Commission, and the Mayor and Clerk.
9. **Approve Minor Subdivision Plat Recording.** The minor subdivision plat shall be recorded in accordance with final plat recording provisions including supporting documentation to accompany final plat.
10. **Minor Subdivision Plat Limit.** The minor subdivision plat shall become null and void in accordance with final plat provisions unless an extension is granted per said section.
11. **Minor Subdivision Plat Information.** The minor subdivision plat shall be prepared in accordance with the final plat requirements.

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## SECTION VII

### BONDS

#### A. PERFORMANCE BOND

1. **General.** Before the City Council approves the final plat, all of the improvements required shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements and agreements between the Subdivider and the City. This requirement may be waived if the Subdivider will post a cash or corporate surety bond or certified check or surety approved by the City Council with the City, guaranteeing that said improvements will be constructed within a period of one (1) year from acceptance of the preliminary plat. Such performance bonds 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. This requirement may also be waived if the City is constructing the improvements, or, if the city has entered into a development agreement with the Subdivider under the terms of which financing for the construction of the improvements is derived from tax revenues committed by the City or from a combination of tax revenues and money committed from other sources which the City deems to provide sufficient assurance that the improvements will be completed within one year from the acceptance of the preliminary plat.
2. **Separate Bonds Required.** A separate bond shall be posted for each phase of the construction such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.
3. **Amounts.** Bond amounts will be determined by submitting to the City the quantities of work to be completed and cost estimates therefor as prepared by the subdivider's engineer for the improvements involved. All estimates shall be approved by the City Engineer with recommendation to the City Council.
4. **Approval.** All bonds shall be approved by the City 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 or surety on the bond upon recommendation of the Commission.

5. **Release or Reduction.** The performance bond may not be released or reduced except as follows:
  - (a) The Council will not accept dedication of required improvements, nor release nor 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 construction drawings for the subdivision as prescribed in these regulations.
  - (b) A performance bond will be released upon actual dedication and acceptance of the public improvements. Partial release or reduction of the original bonds may be approved by the City Council upon dedication and 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.

## **B. MAINTENANCE BONDS**

1. **Posted.** The subdivider shall at the time of acceptance of the public improvements by the City Council, post maintenance bonds in an amount described herein as sufficient and as approved by the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations.
2. **Separate Bonds Required.** A separate bond shall be posted for each phase of the construction such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.
3. **Time Period.** The subdivider shall be required to maintain all required improvements free of defects due to faulty materials and workmanship after acceptance of said improvements by the City Council for a period specified below:
  - (a) Sanitary Sewer – two (2) years
  - (b) Water Main – two (2) years
  - (c) Storm Sewer – two (2) years

4. **Subcontractor Bonds.** Maintenance bonds posted by the subdivider's contractor may be accepted.
5. **Amount.** Maintenance bonds shall be in the amount of the performance bonds if performance bonds were accepted by the City.

#### **C. RECORDS AND REQUIREMENTS**

The City Clerk shall maintain a record of all bonds and the expiration dates thereof. All contractors and developers whose public improvements are secured by bonds which improvements have not been completed prior to ninety (90) days of their expiration, shall be served with a written notice by ordinary mail by the Clerk advising the developer or contractor that the improvements have not been completed. The notice shall describe the improvement, state the final date for completion, and shall inform the developer or contractor that if the improvement is not completed and accepted by the City on or before the expiration date, the City will proceed to call the bond. A copy of the notice shall be mailed to the financial institution or insurance company furnishing the bond. The written notice shall be served by mailing not less than eighty (80) days prior to the expiration date for the completion of the public improvement.

#### **D. PROCEDURE ON DEFAULT**

In the event that the required public improvements have not been completed and accepted by the City prior to the final expiration date, the City shall, within a reasonable time thereafter, not to exceed thirty (30) days, make a written demand upon the insurance company or financial institution furnishing the bond, and the insurance company or financial institution shall forthwith pay to the City the amount of the bond. Any action to enforce collection of the bond shall be commenced by the City within six (6) months following the expiration date for the improvement, notwithstanding any contrary provision in the instrument. Cost of collection shall be paid by the Owner.

#### **E. SURVIVAL OF OBLIGATION**

The obligation of the insurance company or financial institution furnishing the bond shall survive the expiration date to the extent necessary to permit enforcement of the obligation by the City according to the terms of this Ordinance. Any contrary terms and provisions in the bond or letter of credit shall be of no force or effect.



## SECTION VIII

### SUBDIVISION DESIGN STANDARDS

#### A. STREET PLAN

The arrangement, character, extent, width, grade and locations of all streets shall conform to the Comprehensive Plan; and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to topographical conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relations to the proposed uses of the area to be served.

#### B. STREETS

1. All right-of-way widths for public and private streets shall conform to the following minimum dimensions in accordance with the Comprehensive Plan:

Arterial Streets	100 feet
Collector Streets	80 feet
Local Streets	66 feet
Half Streets	one-half the total right-of-way of the proposed street or 40 feet, whichever is the smaller
Cul-de-sac Streets	60 feet
Cul-de-sac Radius	52 feet

2. Right-of-way widths of major trafficways including freeways, parkways, major and secondary thoroughfares shall be in accordance with those designated on the Comprehensive Plan of Charles City.
3. Tangents of at least 100 feet in length shall be introduced between reverse curves on arterial and collector streets.
4. Where there is a deflection in horizontal center lines within a given block at any one point in excess of ten degrees, a curve shall be inserted with a radius of not less than:

Arterial Streets	500 feet
Collector Streets	300 feet
Local Streets	100 feet

5. Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than 300 feet.
6. Local streets shall be so aligned that their use by through traffic will be discouraged.

7. Street jogs with center line offsets of less than 150 feet shall be avoided.
8. It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow, and in general, be at or near right angles, avoiding acute angles. An intersection of more than two streets shall be avoided unless specific conditions of design indicate otherwise.
9. Alleys are not permitted in residential areas - unless deemed necessary by the Planning and Zoning Commission and City Council.
10. Cul-de-sac streets shall be not more than 500 feet in length measured along their center lines from the streets of origin to the ends of their rights-of-way, unless there are not more than 15 lots abutting the cul-de-sac. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of 100 feet.
11. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the City Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing or dedicated half street is adjacent to a tract. A half street, where included, shall be graded at one level and the regrading or new construction of any half street shall conform to the grade and pavement of the adjacent half street.
12. Private streets with right-of-way width as required by these regulations, enabling access to interior lots from public streets, are permitted in residential subdivisions containing lots of two acres in area and over.
13. Provision shall be made for serving lots for residential use abutting arterial streets and highways by either the use of a) local access street, b) backing lots to the arterial street with a screen planting contained in a non-access reservation along the rear property line, c) deeper lots fronting on the arterial street with rear service alleys. These methods are recommended for the purpose of providing adequate protection of residential properties and to afford separation of through and local traffic.
14. Gradients of streets shall be at least 0.5 percent and not exceed on:
 

Arterial Streets	5 percent
Collector Streets	7 percent
Local Streets	10 percent

15. All streets less than 37 feet back to back to have a 2.5 percent cross slope, and all streets wider than 37 feet back to back to have 2.0 percent cross slope of inside lane and 3.0 percent cross slope of outside lane.

### **C. ALLEYS AND PEDESTRIAN WAYS**

1. Alleys shall be at least 20 feet wide, where permitted, in residential areas. Alleys, at least 22 feet wide, shall be provided in commercial areas - unless such areas are otherwise provided with off-street loading space.
2. Pedestrian ways shall be at least 12 feet wide and a shrub or tree hedge shall be installed at side boundary lines.

### **D. EASEMENTS**

Easements shall be provided for any overhead or underground utility service including storm-water drainage, where necessary. They shall be not less than 20 feet wide, and be established at the rear of each lot and along such other lot lines as to provide continuity of alignment from block to block. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.

Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement to accommodate the 100-year storm occurrence flood limits substantially within the lines of such water course. It shall include an additional area of at least 15 feet in which adjoining both edges of the established area that has been affected by damaging flood waters, as certified by the subdivider's engineer.

### **E. BLOCK STANDARDS**

1. The maximum length of blocks containing lots 75 feet and over in width shall be 1,800 feet, and the maximum length of blocks containing lots less than 75 feet in width shall be 1,200 feet. Blocks over 900 feet long may require pedestrian ways at their approximate centers. The use of additional access ways to schools, parks or other destinations may be specified by the Planning and Zoning Commission.
2. Blocks intended for commercial, industrial, and institutional use must be designated as such, and the plan must show adequate off-street areas to provide for parking, loading docks, and such other facilities as may be required to accommodate motor vehicles.

3. Rounded corners shall be provided at street intersections of 20 feet radius for local streets and 25 feet radius for collector and arterial streets.
4. Where a subdivision borders on or contains a railroad right-of-way or limited access thoroughfare right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land as for; a) park purposes, b) deep residential lots backing to railroad or arterial street with planting screen in a no-access area at rear property lines of lots, or c) motor vehicle parking, business, or industry in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

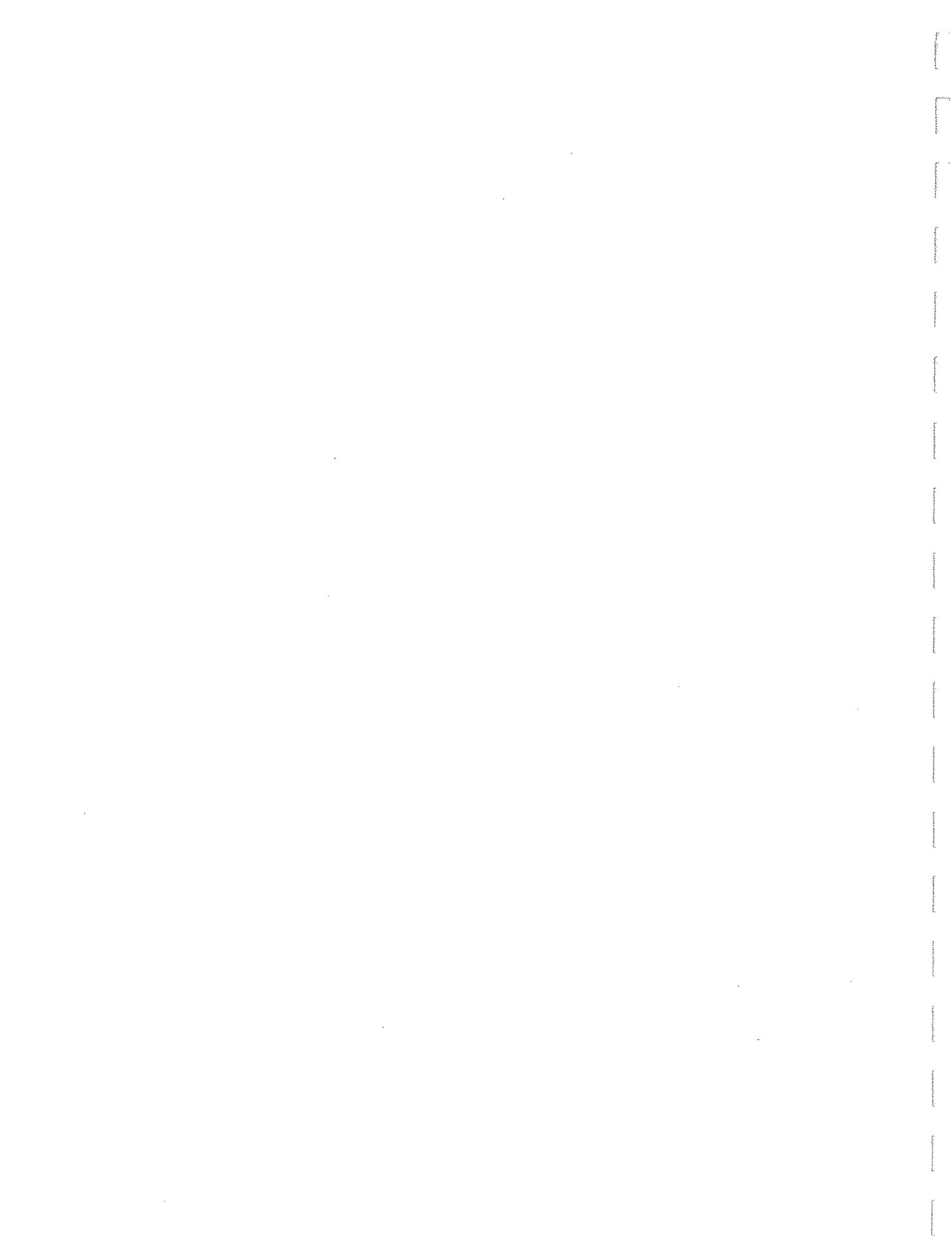
#### **F. LOT STANDARDS**

1. In general, lots should be as nearly rectangular in shape as practicable.
2. Width and area of lots shall conform with lot widths and area requirements set forth in the Zoning Ordinances of the City of Charles City. In case of corner lots, the Planning and Zoning Commission may make variations to encourage the proper development of intersection design and traffic safety; and corner lots shall be increased in width by 25 percent over the width of typical interior lot except where the typical lot is 90 feet wide or more.
3. Depth of lots shall be in accordance with City Zoning Ordinance requirements, but not less than 115 feet in depth for interior lots and 90 feet in depth for corner lots.
4. All lots shall abut on a publicly-dedicated street.
5. Side lines of lots shall be at right angles or radial to the street line - or substantially so.
6. Butt lots shall be platted at least five feet wider than the average interior lots in developments containing lots less than 12,000 square feet in area.
7. Double-frontage lots are not permitted except:
  - (a) Where lots back upon an arterial street, and in such instances, vehicular and pedestrian access between the lots and the arterial street is prohibited, and

- (b) Where topographic or other conditions render subdividing otherwise unreasonable, such double frontage lots shall have an additional depth of at least 20 feet in order to allow for a protective screen planting on one frontage.
- 8. Lots abutting upon a water course, drainage way, channel, or stream shall be an additional depth or width, as required, to provide an acceptable building site.
- 9. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions.

**G. ACCEPTANCE OF STREETS**

If any plat of subdivision contains public streets or thoroughfares which are therein dedicated as such, whether located within the corporate limits of the City of Charles City or in part outside thereof, or contains existing streets located outside of said corporate limits, the approval of the plat by the City Council or the subsequent annexation of the property to the City, shall not constitute an acceptance by the City of such streets or thoroughfares, nor of the improvements constructed or installed thereon or therein, irrespective of any act or acts by an officer, agent, or employee of the City with respect to such streets or improvements. The acceptance of such streets or thoroughfares shall be made only by the adoption of a resolution by the City Council after there has been filed, with the City Clerk, a certificate by the City Engineer certifying that all improvements required to be constructed or installed in or upon such streets or thoroughfares in connection with the approval of the plat of subdivision by the City Council have been fully completed and the construction or installation thereof has been approved by him.



## SECTION IX

### REQUIRED LAND IMPROVEMENTS

#### A. GENERAL

No final plat shall be approved by the Planning and Zoning Commission without receiving a statement signed by the City Engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of the City, County, State and other authorities having jurisdiction. The subdivider will be required to furnish the City Engineer with any engineering calculations, including storm drainage computations, pertinent to the subdivision which he may require to adequately check the design. Improvements shall also comply with the following:

#### B. SANITARY SEWER SYSTEM

1. **Provided By Subdivider.** The subdivider of land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area. The subdivider shall at own 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 pipe size shall be eight (8) inches at a minimum grade of 0.4 percent. The installation of such sewers shall be under the supervision and inspection of the City Engineer and the subdivider shall be responsible for reasonable charges for such expenses incurred by the City.
2. **Design.** All sewers shall be designed by a registered engineer and sized with capacity to permit ultimate development of the sewer service area in accordance with the Iowa Department of Natural Resources standards. The sewer lines shall be constructed to the extremities of the development where necessary to accommodate future extension.
3. **Connection To Municipal System.** Subdivisions located within the corporate limits of the City of Charles City shall be connected to the municipal sewer system. Only with approval of the City Council as recommended by the City Engineer 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, the County and the Iowa Department of Natural Resources.
  - (a) **Dry Sewers.** All subdivisions, except minor subdivisions, shall have sanitary sewers installed. Where sanitary sewers cannot be reasonably connected to existing sewer, the sanitary sewers shall be installed as "dry sewers" and capped for future connection unless this provision is waived by the City Council upon recommendation by the City Engineer.

- (b) Where sanitary sewers of larger capacity than necessary are required as directed by the City Council, to serve the subdivision as delineated in the preliminary plat, the subdivider shall be required to pay for the proportionate benefit of the installation to his subdivision as established by the City Council.
4. **Location.** All sanitary sewers shall be constructed within the street right-of-way as directed by the City Engineer.
  5. **Easements.** 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 center lines. Additional width may be required to ensure access by City maintenance equipment.
  6. **Service Lines.** Sewer service lines shall be installed to the right-of-way line to serve each lot in the subdivision. Service lines shall be laid at ninety (90) degree angle to the sewer main. Service lines shall be a minimum of four (4) inch diameter for single family and duplex family housing, and six (6) inch diameter for all other uses unless lesser size is approved by City Engineer. Duplex and townhouse 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. A steel post shall be located at the end of each service with the top of the post to be placed within one foot above the final ground surface. The post shall be painted green to indicate a sanitary sewer service location.
  7. **Plans and Specifications.** Sanitary sewers shall be constructed in accordance with the approved construction drawings and Standard Specifications of the City.

### **C. WATER DISTRIBUTION SYSTEM**

1. **Supplied By Subdivider.** The subdivider of land being platted shall make adequate provisions for the supplying of water to the platted area. The subdivider shall at own expense construct a complete water system together with all necessary appurtenances to provide adequate water to all lots or parcels of land within the platted area. The main supplying water to the 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 subdivider shall be responsible for all reasonable charges for such expense incurred by the City.

2. **Design.** 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. **Location.** All water mains shall be constructed in the street right-of-way outside the pavement slab whenever possible.
4. **Easements.** When water mains 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 ten (10) feet each side of the water main center line. Additional width may be required to ensure access by City maintenance equipment.
5. **Service Lines.** Water service lines shall be installed to the right-of-way line of the lots to be served. Service lines shall be laid at ninety (90) degrees to the water main and shall be a minimum of three-fourths (3/4) inch in diameter K copper for single family and duplex family housing. Multi-family, commercial or industrial land use shall be sized as required for the specific function. Service lines shall be provided with corporation cocks at the main and curb stops located as required by the City Standard Specifications. Duplex and townhouses 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 permanent physical features. Said locations shall be furnished to the City. A steel post shall be left standing at the end of each service adjacent to the curb stop to mark the location. The post shall be painted blue to indicate a water distribution service location.
6. **Fire Hydrants.** Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located at street intersections and spaced no more than three hundred (300) feet in commercial and industrial areas, and no more than four hundred (400) feet in residential areas.
7. **Valves.** Valves shall be spaced at equal spacings no more than eight hundred (800) feet apart in residential areas, and no more than four hundred (400) feet apart in commercial and industrial areas.
8. **Plans and Specifications.** Water system shall be constructed in accordance with the approved construction drawings and Standard Specifications of the City.
9. Where water mains of larger capacity are required as directed by the City Council to serve future growth in the vicinity of the subdivision, the subdivider shall be required to pay for the proportionate benefit of the installation to his subdivision as established by the City Council.

#### **D. STORM SEWER SYSTEM**

1. **Provided By Subdivider.** The subdivider of land being platted shall make adequate provision for the disposal of storm water from the platted area. The subdivider shall at own expense construct a storm sewer system including all necessary piping, manholes and other necessary appurtenances to provide for the discharge of storm water and sump pump 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's storm sewer system or drainage courses by surface flow. A sump pump collector system shall be installed. The sump pump collector system will service the necessary lots and discharge into the City's storm sewer system or other approved outlet. Developer and contractor shall accurately record the location of the sump service lines during construction with respect to lot corners, pavement and other physical features. Said locations shall be furnished to the City. A steel post shall be located at the end of each sump service with the top of the post to be located within one foot above the final ground surface. The post shall be painted yellow to indicate a sump service line location.
2. **Design.** 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 five (5) year storm frequency in pipe design, and 100-year storm frequency for overland stormwater drainage design of ditches and culverts. The improvements shall be constructed to the extremities of the development where necessary to accommodate future extension and shall conform to current City standard specifications.
3. **Detention Facilities.** The City of Charles City requires stormwater detention facilities for all developments of one acre or more and for developments of less than one acre when conditions warrant.

Stormwater detention facilities in residential subdivisions may be accepted for ownership and maintenance by the City. Facilities in commercial, office, institutional, mixed use or industrial planned unit developments and subdivisions may also be accepted by the City, except where ownership of fifty percent or more of the development or subdivision is held by the same entity or is otherwise under common ownership.

Acceptance of stormwater detention facilities is subject to the following requirements:

- (a) An owner of property of one acre or more must construct the stormwater detention facility in accordance with the subdivision plans approved by the City and must dedicate the facility to the City as a condition of final plat approval.
  - (b) The owner must continue to own and maintain the facility until (1) the facility has been fully completed, (2) 80% of the platted lots have been fully developed, and (3) adequate erosion control measures, as approved by the City, have been installed on the remaining 20% of the lots. Acceptance of the facility must be by the City Council as required by the Subdivision Ordinance.
  - (c) The owner must agree that once the City accepts the facility, periodic inspection, administrative and maintenance expenses for the facility will be assessed against the lots in the subdivision in proportion to the acreage of each lot as a percentage of the acreage in the subdivision or planned unit development, and that the costs will be collected in the same manner as general property taxes. Such costs will be dependent upon the condition of the facility.
  - (d) Acceptance of the facility for a non-residential subdivision or planned unit development will be based on the preliminary plat approved by the Planning and Zoning Commission for a subdivision, or the conceptual development plan approved by the City.
  - (e) When the proposed subdivision may have a detrimental effect by increasing the intensity of storm water run-off into the City storm water drainage system or onto adjoining properties, detention methods may be required by the City Engineer to ensure the on-site control of said run-off.
  - (f) Design of detention facility shall be based on release rate of five (5) year storm occurrence event under undeveloped conditions and detention based on 100-year occurrence storm event under developed conditions.
4. **Location.** All storm sewers shall be constructed in the street right-of-way outside the pavement slab whenever possible.
5. **Easements.** 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 center line. Additional width may be required to ensure access by the City maintenance equipment.

6. **Dams.** 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. **Lake or Stream.** If a tract being subdivided contains a body of water or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the body of water 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 body of water. Where a water course separate the buildable area of a lot from the street by which it has access, provisions shall be made for suitable vehicular/pedestrian access.

**E. SITE AND STREET GRADING**

1. **Site Grading.** The subdivider shall grade any portion of the preliminary plat subject to development into lots so that each lot will be useable and suitable for the erection of residences or other land use structures including all required overland drainage courses within easements. Grading shall be in accordance with the erosion control requirements of the City and the Iowa Department of Natural Resources (IDNR).
  - (a) A pollution prevention plan for all sites of one acre or greater including any permits required from the IDNR shall be provided to the City Engineer before any grading of the site and lots is undertaken.
  - (b) All stumps, trees that cannot be saved, boulders and similar items shall be removed.
2. **Street Grading.** The full width of the right-of-way shall be graded, including the sub-grade of the areas to be paved.

**F. STREET IMPROVEMENTS**

1. All public and private streets shall be improved with pavements to an overall width in accordance with the Comprehensive Plan having the following minimum dimensions:

<u>Type of Street</u>	<u>Pavement Width (between face of curbs)</u> (feet)	<u>Minimum Pavement Thickness</u> (inches)
Arterial	31 - 49	8 reinforced or 9 non-reinforced PCC

<u>Type of Street</u>	<u>Pavement Width (between face of curbs)</u> (feet)	<u>Minimum Pavement Thickness</u> (inches)
Collector	31-37	7 reinforced or 8 non-reinforced PCC
Local	31	6 reinforced or 7 non-reinforced PCC
Cul-de-sac	31	6 reinforced or 7 non-reinforced PCC
Cul-de-sac Radius	40	

2. Pavements in cul-de-sac turn-arounds shall have a minimum diameter of 80 feet - measured from the outside curb.
3. Pavements shall be installed in accordance with City of Charles City standards and specifications.
4. Curbs and gutters shall be installed in accordance with City of Charles City standard specifications.
5. All curb corners shall have a radii of not less than 20 feet for local streets and 25 feet for intersections with arterial and collector streets.
6. All parkways within the dedicated street area shall be graded and seeded in an approved manner.
7. All curb cuts must be at least 25 feet from the end of the radius return at all corners.
8. Subdrains and 6 inches of granular subgrade shall be provided under street pavement in accordance with City of Charles City standard specifications unless a geotechnical soils report is provided and approved by City Engineer indicating that subdrains and/or granular subgrade is not required.

### **G. SIDEWALKS**

Sidewalks shall be constructed along both sides of streets within the subdivision in accordance with the City Standard Specifications. The subdivider 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 City Council. The amount of said bond shall be the estimated cost of constructing all required sidewalks.

1. Sidewalks shall conform to the following standards:
  - (a) **Location.** Sidewalks shall be located in the street right-of-way one (1) foot from the right-of-way line and shall be four (4) feet in width. The sidewalk thickness shall be four (4) inches (minimum) of portland cement concrete. Where the sidewalk crosses the driveway, the thickness shall be six (6) inches (minimum) or the thickness of the driveway, whichever is greater.
  - (b) **Grade.** The area between the curb and nearest edge of the sidewalk shall have a slope of one-half (1/2) inch per foot toward the curb. This shall be the method for determining the grade of the sidewalk.
  - (c) **Crosswalks.** Crosswalks may be required in blocks over nine hundred (900) feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be located in a pedestrian way right-of-way not less than twenty (20) feet in width, be a minimum four (4) feet wide unless part of a trail in which case a minimum to ten (10) feet wide and shall be constructed by the developer.
  - (d) **Handicap Ramps.** Handicap ramps shall be installed at all intersections and at certain mid-block locations for all new or reconstruction of curb and sidewalks in accordance with the requirements of the federal Americans with Disabilities Act (ADA) and state accessibility requirements. Ramps for the handicapped shall have a textured non-skid surface. The maximum ramp slope shall be 1 in 12.

## **H. STREET LIGHTS**

1. **Required.** Street lights will be required in all subdivisions for public streets unless a variance is granted by the City. Street light locations shall be shown on the utility plan provided by the utility company for the subdivision.
2. **Location.** Exact street light locations will be determined by the City in consultation with the 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 more than three hundred (300) feet apart.

3. **Costs.** The owner of the land being platted shall pay the material and installation costs of all street lights required, and the City will pay the energy costs for operation after acceptance of installation. The installation of streetlights shall be completed within one year completion of subdivision construction.

## **I. PUBLIC UTILITIES**

1. **Underground.** All utility lines and mains including telephone, electric, cable TV, fiber optic, and street lighting lines, gas and other necessary facilities except electric lines of nominal voltage in excess of fifteen thousand (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 should be installed in conduit prior to the improvement of any such street, alley or pedestrian way in the subdivision. Underground utilities installed after the streets, alley or pedestrian way is improved shall be installed by boring and jacking techniques or open cut subject to approval by City Engineer. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets maybe placed above ground but shall be located so as to not be unsightly or hazardous to the public.
2. **Easements.** Twelve (12) foot wide 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 twelve (12) feet in width to provide for utility line and access to such rear lines at sufficient intervals to allow ease of access from one such easement to the next as required by the utility companies. All utility easements shall have access to a public right-of-way.

## **J. STREET SIGNS**

1. Street signs shall be erected so as to identify every street within the subdivision and shall be so designed and constructed as to conform with existing street signs. They shall be installed at a height of not less than seven (7) feet and shall be placed no less than one foot, nor more than ten, from the edge of the pavement as directed by the City Engineer.

**K. STREET TREES**

1. In subdividing property, tree plantings adjacent to or within street rights-of-way shall be required.
2. Tree plantings adjacent to or within street rights-of-way:
  - (a) In any yard adjacent to street rights-of-way, trees shall be planted at a minimum ratio of one overstory tree for every forty (40) feet of lot frontage, or for understory trees, every thirty (30) feet of lot frontage.
  - (b) Trees shall be planted in the front yard adjacent to the street right-of-way or within the street right-of-way subject to approval of the City Council.
  - (c) Trees planted shall conform to the requirements of the City Standard Specifications.

3. Recommended Species of Trees. The varieties of trees permitted by this section for the use indicated are specified in the following subparagraphs. All trees shall have a trunk diameter (measured 12 inches above the ground) of not less than 2-1/2 inches.

(a) Understory - less than 30 feet in height at maturity:

Hawthorn	Yellowwood	Amur Cherry
Dogwood	Serviceberry	Hophornbeam
Hornbeam	Japanese Tree Lilac	Crabapples
Amur Maple	Redbud	European Hornbeam
Mayday Trees	Tartarian Maple	Horse Chestnut
Amur Corktree	Japanese Pagoda Tree	

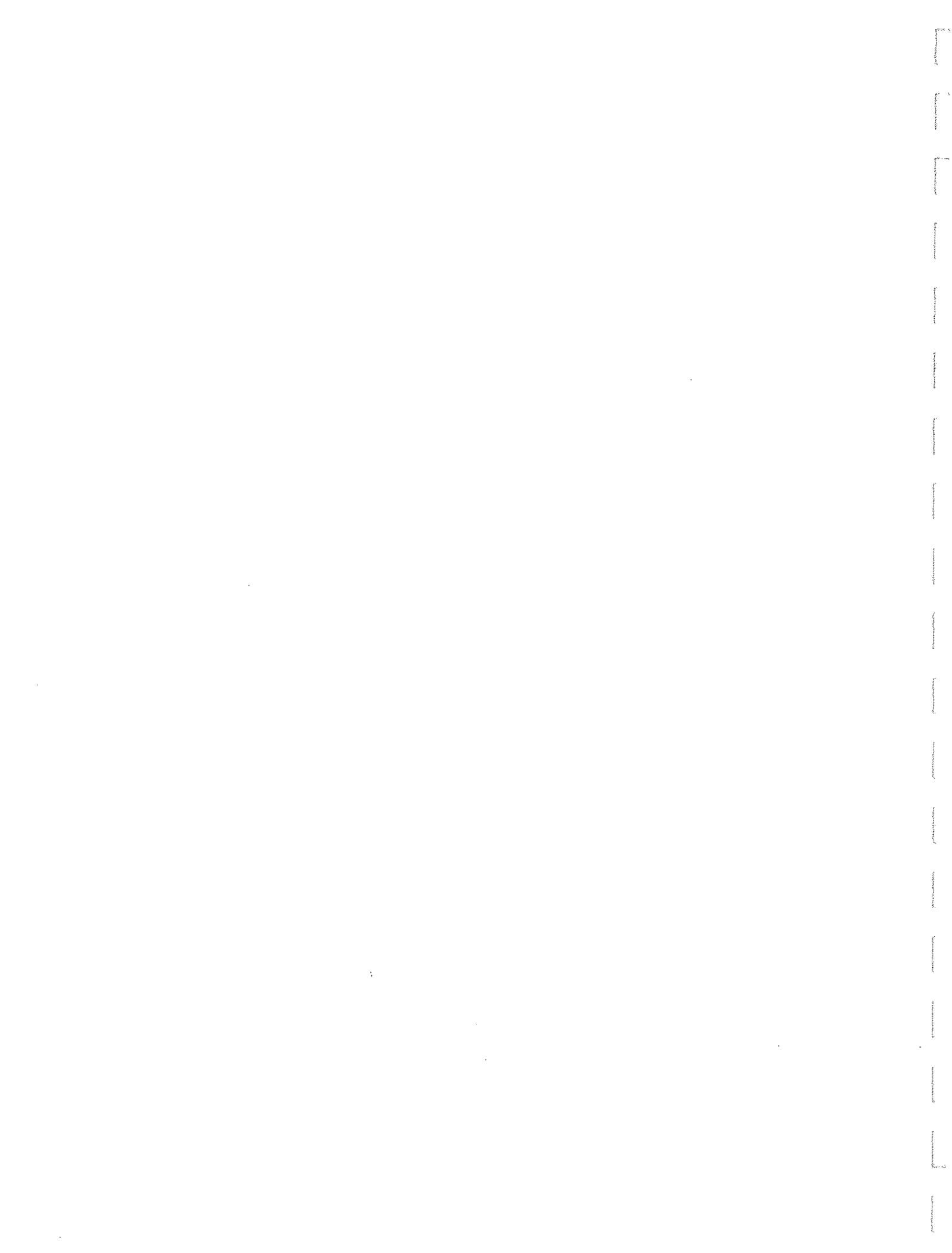
(b) Overstory - Greater than 30 feet in height at maturity:

Sugar Maple	Kentucky Coffeetree	English Oak
Black Maple	Basswood	Shingle Oak
Green Ash	Redmond Linden	Shagbark Hickory
White Oak	River Birch	Bitternut Hickory
Red Oak	Ginkgo (Male var.)	Thornless Honeylocust
Swamp White Oak	Norway Maple	Cucumber Magnolia
Chinkapin Oak	White Ash	Little Leaf Linden

Shellbark Hickory  
Mockernut Hickory  
Hackberry

Sycamore  
Bur Oak  
Black Oak

Black Cherry  
Paper Birch



## SECTION X

### PARKS AND RECREATION

#### **A. PURPOSE**

This Ordinance is enacted to ensure that land is properly located and preserved and park and recreation facilities provided to accommodate future community growth; and to further ensure that the cost of providing the community facilities necessary to serve the additional residents brought in to the community through subdivision development may be most equitably apportioned on the basis of the additional public requirements created by such subdivision development.

#### **B. PARK SITE DEDICATION AND RESERVATION**

This Ordinance is required to ensure the reservation of well-located and appropriately sized open spaces. Park areas must be created and preserved in adequate quantity to provide access to all citizens as the community continues to grow. Further, these spaces must be provided for by the subdivision development that creates the demand.

1. Requiring developers to construct and maintain private recreational facilities or dedicate such facilities to Charles City is one method of ensuring that new development takes care of the park needs created by the new residents and their families moving into the new developments. This must be done in order to promote and protect the public health, safety and welfare of the citizens that will be residing in, or occupying, the new developments.
2. Payment In-Lieu-Of Park Land. Where dedication of land is not compatible with the general subdivision plan of the developer, the developer, at his option, may request the City to accept a cash payment in lieu of the dedication of such land. In this event, the developer may pay to the City a cash payment as hereinafter determined which shall be placed in a special fund by the City and shall be used solely for the acquisition and/or development of park and recreational lands to serve the residents of the City.
3. The Charles City Comprehensive Plan Update report adopted by the City encourages development and renovation of existing parks, the development of trails, development and use of floodplains for passive and active recreation activities and development of soccer facilities to serve existing and new residents of the community.

**C. PARK LAND DEDICATION AND DEVELOPMENT**

1. The general criteria of park land dedication shall be determined by the following formula:

<b>Residential Uses: Minimum Lot Area Per Unit</b>	<b>Percentage of Total Land Area</b>
25,000 sq. ft. to 40,000 sq. ft. or greater	3%
8,000 sq. ft. to 24,999 sq. ft.	5%
2,499 sq. ft. or less to 7,999 sq. ft.	10%

2. The following criteria will be used by the City to determine what land shall be dedicated for private or public recreational facilities.
- (a) The Charles City Comprehensive Plan Update report.
  - (b) The topography, geology, access, and location of land in the subdivision that is suitable for the development of parks.
  - (c) The size and shape of the subject property and land available for dedication.
  - (d) The location of existing or proposed park sites and trails.

**D. PAYMENT IN LIEU OF DEDICATION**

1. Method of Payment. The payment in-lieu-of land shall be based on the fair market value of the acres of land in the development that otherwise would have been dedicated as a park site. The fair market value shall be determined by the City by taking the total per-acre value of the total development and determining the proportionate value of the dedication of land required, as determined under Subsection C. For purposes of this section, fair market value shall be determined by the following method:
- (a) City staff, after consultation with persons having knowledge of real estate values in the City by reason of their occupations, such as realtors, appraisers, and persons responsible for making loans on property shall establish fair market value of the property subject to approval of the report by the City Council.
  - (b) The Council shall, by resolution, thereupon establish the average per-acre fair market value, which shall be used to determine the basis for the cash contribution permitted under this Ordinance until such value is changed or amended by subsequent resolution.

2. **Percentage Contribution.** In no event shall any voluntary payments by developers required under the provisions of this Ordinance be in a greater percentage in relation to the total value of the land within the plat than the maximum required percentage of total land area as set forth in subsection B. of this section.
3. **Criteria for Requiring Dedication and a Payment In-Lieu-Of.** There may be situations when a combination of land dedication and a contribution in-lieu-of land are both advisable. These occasions will arise when:
  - (a) Only a portion of the land to be developed is proposed as the location for a park site. That portion of the land within the subdivision falling within the park location shall be dedicated as a site as aforesaid and a payment in-lieu-of shall be accepted for any additional land that would have to be dedicated.
  - (b) A major part of the local park or recreational site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a payment in-lieu-of thereof may be accepted.

#### **E. SPECIAL FUND**

All payments in-lieu-of park land collected by the City shall be deposited in a special fund to be known and designated as "special fund for the acquisition and development of park and recreational facilities" and such funds shall be used for such purposes and at such places and in such manner as shall be determined and directed by the City following recommendations by the Park Board, after consultation with the subdivider or developer, and which shall be consistent with the intent of this Ordinance; and authorization for creation of said fund is granted. Any and all interest accumulated upon such funds shall be added to the special fund and be used only for acquisition and development of parks and recreational areas including trails.

#### **F. PROCEDURES**

1. **Pre-Application Conference for Plat Submittal.** At the pre-application conference, the City, the developer and a representative from the Park Board, if available, shall review the requirements for park land dedication, and criteria and standards as described in the subdivision regulations. At the time of such conference, the Park Board shall be immediately notified, by the City, of the description and location of the land proposed to be platted.

2. **Preliminary Plat.** At the time of filing a preliminary plat or site plan with the Planning and Zoning Commission, the owner or developer of the property shall, as part of such filing, indicate whether he desires to dedicate property for park and recreational purposes or whether he desires voluntarily to pay a fee in-lieu-thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the preliminary plat or site plan as submitted, a copy of which shall be immediately delivered to the Park Board.
3. **Review and Recommendation by the Park Board.** When the preliminary plat or site plan is received which proposes the dedication of park land, a copy of said plat or plan shall be immediately forwarded to the Park Board. Upon receipt of said plat or plan, the Park Board shall review the same and make recommendations and suggestions thereon with regard to placement, size, design and location of said park or recreational area. Within fifteen days after receipt of a copy of said plat or plan, the Park Board shall make recommendations and the same shall be forwarded to the City Council with a copy to the Planning and Zoning Commission. Failure of the Park Board to make recommendations with the fifteen day aforesaid mentioned shall be interpreted as agreement with the plat or plan as submitted.
4. **Planning and Zoning Commission Action.** As a part of its recommendations to the City Council on the preliminary plat or preliminary site plan, the Planning and Zoning Commission shall make recommendations on the location of the proposed land dedication, delineating the boundaries thereof. If the developer requests to make a voluntary cash contribution in-lieu-of dedication, he must so advise the Commission which will then determine the amount of such contribution, using the formula herein above provided.
5. **Prerequisites for Approval of Final Plat or Site Plan.** Where a dedication is required it shall be accomplished by providing the City with a properly executed warranty deed, dedicating the required land to the City without cost to the City. Where fee in-lieu-of dedication is accepted, the same shall be paid in the manner hereinafter set forth:
  - (a) **Method of Payment.** If the developer chooses to make a cash contribution in-lieu-of land dedication, he may make payment as follows:
    - 1) By payment to the City Clerk, prior to approval of the final plat.

2) By submitting to the Council on a form approved by the City Attorney his covenants running with the land, suitable for recording, and promising to pay to the City a proportionate part of such contribution at the time of issuance of each building permit for such subdivision. The amount of such proportionate payment shall be determined by dividing the total cash payment for such subdivision by the number of lots in such subdivision. Any payments remaining unpaid shall constitute a lien against the real estate until paid. A copy of such covenants shall be placed on file with the City Clerk.

6. **Development of Dedicated Area.** It shall be the duty of the Park Board of the City to properly develop and maintain the dedicated area for park and recreational purposes.

