

Title 19

PLATS AND SUBDIVISIONS

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Chapter 19.01

GENERAL PROVISIONS

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19.01.010 Short Title. This title shall be known as the "subdivision ordinance" of the City of Denver, Iowa. (Ord. 1-92 519-1(part), 1992)

19.01.020 Purpose. The purpose of this title is to provide minimum standards for the design, development, and improvement of all new subdivisions and re-subdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Denver, Iowa. (Ord. 1-92 §19-1(part), 1992)

19.01.030 Application. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into two or more parts, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage or suburban lots within the City shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record. (Ord. 1-92 §19-1(part), 1992)

19.01.040 Recording of Plat. No subdivision plat, re-subdivision plat or street dedication within the City of Denver, Iowa shall be filed for record with the county recorder, or recorded by the county recorder, until a final plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this title. Upon the approval of the final plat by the Governing Body, it shall be the duty of the subdivider to immediately file

such plat with the county auditor and county recorder, as required by law. (Ord. 1-92 §19-1(part), 1992)

19.01.050 Fees Established. The Governing Body shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or re-subdivision shall be considered filed with the City clerk, unless and until said the fee accompanies plat, as established by resolution of the Governing Body, and as required by this title. (Ord. 1-92 §19-1(part), 1992)

19.01.060 Penalties. Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this chapter, until the plat thereof has been approved by the Governing Body, and recorded as required by law, shall forfeit and pay two hundred dollars (\$200.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this title. (Ord. 1-92 §191(part), 1992)

19.01.070 Building Permit To Be Denied. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this title, unless and until a final plat of such subdivision has been approved and recorded in accordance with this title, and until the improvements required by this title have been accepted by the City. (Ord. 1-92 §19-1(part), 1992)

19.01.080 Definitions. For the purpose of this title, certain words herein shall be defined and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term "shall" is always mandatory, and the term "may" is permissive.

"Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

"Block," means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

"Building line" means a line on a plat between which line and a street, alley, or private place no building or structure may be erected.

"City Engineer" the term City Engineer shall mean the professional engineer licensed in the State of Iowa designated as City Engineer by the Governing Body or other hiring authority.

"Collector System" Connects the service system to other systems, e.g. the arterial system or the state system. (Ord 4-95)

"Comprehensive plan" means the general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Governing Body. Such "comprehensive plan" shall include any part of such plan separately adopted and any amendment to such plan or parts thereof.

"Cul-de-sac" the term "cul-de-sac" shall mean a street having one end connecting to another street, and the other end terminated by a vehicular turn around with a radius of not less than 50 ft. (Ord. 4-95)

"Easement" means an authorization by a property owner for another to use a designated part of his property for a specified purpose.

"Final plat" the map or plan of record of a subdivision and any accompanying material, as described in this chapter.

"Flood hazard area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one-hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

"Floodway" The term "floodway shall mean the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one-hundred-year flood

without cumulatively raising the waterway surface elevation more than one (1) foot. The floodway is that area designated by the official flood boundary map for the City of Denver.

"Governing Body" The term "Governing Body" means the City Council of the City of Denver, Iowa.

"Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainageways, and other public works and appurtenances.

"Lot," means a tract of land represented and identified by number or letter designation on an official plat.

"Corner lot" means a lot situated at the intersection of two streets.

"Double frontage lot," means any lot which is not a corner lot which abuts two streets.

"Major subdivision" means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of three or more lots, or any size subdivision requiring any new street or extension of local government facilities, or the creation of any public improvements.

"Metes and bounds" means the method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

"Minor plat" means a plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching a general agreement with the Planning and Zoning Commission and the City Council as to the form of the plat and the objectives of this chapter.

"Minor subdivisions" means any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new street or road greater than eighty feet (80) in length serving more than two (2) lots, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, official map, zoning ordinance, or this chapter.

"Nonresidential subdivision" means a subdivision, the intended use of which is other than residential, such as a commercial or industrial use. Such subdivision shall comply with the applicable provisions of this chapter.

"Official plat" means either an auditor's plat or a major or minor subdivision plat that meets the requirements of State Code Sections 409A and 114A and has been filed for record in the offices of the recorder, auditor and assessor.

"Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

"Planning commission" means the appointed commission designated by the Governing Body for the purpose of this title, and may also be the zoning commission, in which case such commission shall be known as the planning and zoning commission.

"Re-subdivision" means a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line, or if such a change affects any map or plan legally recorded prior to the effective date of the ordinance codified in this title.

"Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership.

"Service Street" Everything except what is defined herein or alleys. (Ord. 4-95)

"Arterial Street" Connects major traffic generating areas to other major traffic generating areas or to other higher systems, i.e. the state system. (Ord. 4-95)

"Collector System" connects the service system to the other systems, e.g. the arterial system or the state system.

"Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

"Subdivision" means the division of land into two or more parts, for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to the process of subdividing or to land subdivided. However, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes less than fifty percent of the area of the enlarged lot after such transfer, shall not be considered a subdivision.

"Subdivision agent" means any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision.

"Wetlands" means that classification of land subject to protection measures as indicated by the U.S. Army Corps of Engineers and/or the Iowa Department of Natural Resources. (Ord. 1-92 §19-2, 1992)

19.01.090 Approval Required. Whenever any subdivision of land is proposed, before any sale or contract for sale is made for any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider, or the developer, or the subdividing owner, or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the provisions of this chapter. (Ord. 1-92 §19-3, 1992)

19.01.100 Manner of Classification. The zoning administrator shall determine whether the proposed subdivision is a major or minor subdivision as defined in Section 19.01.080. To aid in this determination, the subdivider or authorized subdivision agent shall submit in writing or otherwise document the principal features of access, relationship to public streets, proposed number of lots, and other pertinent data. If the proposed subdivision is determined to be major, the developer shall be required to submit preliminary and final plats in accordance with the provisions of this chapter. If the proposed subdivision is determined to be a minor subdivision the developer shall be required to submit a minor plat in accordance with the provisions of this chapter. (Ord. 1-92 §19-4, 1992)

19.01.110 Improvements. (1) Improvements Required. The subdivider shall, at his/her expense, install and construct all improvements required by this title. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

(2) Inspection. All improvements shall be inspected to insure compliance with the requirements of this title. The cost of such inspection shall be borne by the subdivider, and shall be the actual cost of the inspection to the City.

(3) Minimum Improvements. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

(a) Streets. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City.

Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs

of the subdivision taken alone. The streets shall, upon final approval by the City engineer and acceptance by the City, become the property of the City.

(b) Sanitary Sewer System. The subdivider of the land being platted shall construct a sanitary sewer system in accordance with City specifications with due consideration of present and future requirements. The system will be constructed entirely at the expense of the subdivider and will include all piping, manholes, pump stations and any other appurtenance to connect all lots of the subdivision with the existing City system. The subdivider's engineer will sign, seal and submit plans for the system complying with City specifications. The subdivider's engineer will also complete the necessary schedules of the Iowa DNR Construction Permit Application and submit both the application forms and the plans in two copies to the City Engineer for review. The system will be constructed in accordance with the approved plans and DNR permit.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The above-mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval by the City Engineer and acceptance by the City, become the property of the City.

(b) Storm Sewer System. The subdivider of the land being platted shall construct a storm sewer system in accordance with City specifications with due consideration of present and future requirements. The system will be constructed entirely at the expense of the subdivider and will include all piping, manholes, pump stations and any other appurtenance to connect all lots of the subdivision with the existing City system. The subdivider's engineer will sign, seal and submit plans for the system complying with City specifications. The system will include a flood retention facility capable of storing the excess flow generated by construction of the subdivision. The subdivider's engineer will use NRCS program TR55 to size the retention facility. The subdivider's engineer will submit the plans in two copies to the City Engineer for review. The system will be constructed in accordance with the approved plans and DNR permit.

Under some circumstances the City may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the City storm sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The sewers shall, upon inspection, approval, and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management, or the provisions of a storm water management plan if such plan has been adopted by the City.

(d) Water Main System. The subdivider of land being platted shall construct a water main system in accordance with City specifications with due consideration of present and future requirements. The system will be constructed entirely at the expense of the subdivider and will include all piping, valves, hydrants and any other appurtenance to connect all lots of the subdivision with the existing City system. The subdivider's engineer will sign, seal and submit plans for the system complying with City specifications. The subdivider's engineer will also complete the necessary schedules of the Iowa DNR Construction Permit Application and submit both the application forms and the plans in two copies to the City Engineer for review. The system will be constructed in accordance with the approved plans and DNR.

(e) Other Improvements. The owner and subdivider of the land being platted shall be responsible for the grading, seeding or sodding of all lots; the planting of any required trees in the parking areas; the installation of street signs, and the provision of street lighting. All such improvements shall be under the direction of the appropriate City authority. Sidewalks shall be installed per City of Denver sidewalk resolutions or ordinances. (Ord. 4-95)

(4) Easements Required.

(a) Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten feet in width shall be granted by the owner along rear, and where necessary, along front or side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

(b) Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, as approved by the City.

(e) Maintenance Bond Required. The owner and subdivider of the land being platted shall be required to provide to the City property maintenance bonds satisfactory to the City, so as to insure that for a period of two (2) years from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair. (Ord. 1-92 §19-5, 1992)

19.01.120 Minimum standards for the design of subdivisions.

(1) Standards Prescribed. The standards set forth in this title shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

(2) Land Suitability. No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City.

If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Governing Body shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Governing Body may reaffirm, modify or withdraw its determination regarding such unsuitability.

(3) Lands Subject to Flooding. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City without the approval of the Iowa Department of Natural Resources. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area and is suitable for development as allowed by the zoning ordinance for the zone in which the lot is located.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City.

(a) Included within individual lots in the subdivision, subject to the limitations of the section. Development upon lots located wholly or partially within the floodway or flood hazard area shall be required to conform to all floodplain district requirements with an appropriate legal instrument.

(b) Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.

(c) If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

(4) Wetlands. No proposed subdivision or portion thereof located on wetlands as defined and designated by the U.S. Army Corps of Engineers and the Iowa Department of Natural Resources

shall be approved by the City Council without prior approval from the U.S. Corps of Engineers, the County Conservation Board and Iowa Department of Natural Resources.

(5) Plat to Conform to Comprehensive Plan. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a major street plan, a sanitary sewer system plan, or a parks and open space plan, provided such plan has been adopted by the City.

(6) Construction Standards for Improvements. In addition to the standards set forth in this title, the City engineer shall from time to time prepare, and the Governing Body shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

Upon adoption by the Governing Body by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

(7) Parks and Open Space. All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of its residents. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space, provided; there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

(8) Parks and School Sites Reserved. When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the City, the subdivider shall indicate such areas on the plat. (Ord. 1-92 §19-6, 1992)

Chapter 19.02 MINOR PLATS

Sections:

19.02.010 Submission Required

19.02.020 Required Scale

19.02.030 Information Required to be Shown

19.02.040 Procedure for Approval--Effect of Approval

19.02.010 Submission Required. In a minor subdivision of land the subdivider shall file for approval a minor plat which shall include four copies of said minor plat addressed to the planning and zoning commission for approval prior to issuance of any building permit. (Ord. 1-92 §19-16, 1992)

19.02.020 Required Scale. A minor plat required in this chapter shall be drawn to a scale of one hundred feet to one inch or larger. (Ord. 1-92 §19-17, 1992)

19.02.030 Information Required to be Shown. Prior to a minor subdivision of land the subdivider thereof shall file for approval a minor plat which shall show or be accompanied by the following:
(1) All contiguous holdings of the owner, with an indication of the portion which is proposed to be subdivided and the manner wherein the property is to be subdivided, accompanied by an affidavit of ownership (which shall include the dates the respective holdings or land where acquired), and all public streets;

- (2) All public streets, subdivisions and landowners within three hundred feet of the contiguous holdings of the owner;
- (3) The location and dimensions of:
- (a) The proposed minor subdivision's exterior boundaries and proposed lots, streets, drives, or easements therein,
 - (b) Existing property lines, streets, easements, buildings, drainageways, tree masses, soil types, and other existing features affecting the plat or affected thereby.
 - (C) The location and width of proposed and existing streets, highways, roads and pedestrian ways,
 - (D) The location and size of existing and proposed public sewer lines, gas mains, water mains, culverts, pipelines, cables or other underground utility installations, with a description of the effect on each utility capacity and service level,
 - (E) Public and private parks and open spaces,
 - (F) Lot and block numbers of proposed and existing lots,
 - (G) North arrow, scale, date, subdivision's name and address, and the property's legal description,
 - (H) The distance from some corner of the subdivision to some corner of the congressional division of which it is a part,
 - (I) The location and dimension of any and all wetland areas shall be clearly shown. Provisions regarding the disposition of such lands shall be stated,
 - (J) Floodplain, floodway areas shall be clearly shown on the plat;
- (4) A written and signed statement in which the subdivider sets forth the proposed restrictions, easements, building lines, public improvements (if any), connections to or extensions of public improvements, etc. within the area of the plat. (Ord. 1-92 §19-18, 1992)

19.03.040 Procedure for Approval--Effect of Approval. (a) Four copies of the minor plat, one affidavit of ownership addressed to the planning and zoning commission, and three copies of a written and signed statement of proposed restrictions, easements and improvements within the area of the plat shall be filed with the said commission, accompanied by a nonrefundable fee of twenty-five dollars. There shall be forthwith referred two copies of said minor plat and a copy of the owner's statement to the City engineer. Said engineer shall carefully examine the plat for its conformance with the laws, ordinances and policies of the City, the existing street system and good engineering practices, and shall submit findings in duplicate to the commission, together with a copy of the plat received.

(b) When said engineer's report is received by the planning and zoning commission, it shall as soon as possible thereafter consider the report and pass upon the minor plat. Said commission shall then set forth its recommendations in writing, whether of approval, modification or disapproval, and, in case of modification or disapproval, give its reasons therefor. Thereafter, the commission must submit all four copies of the minor plat, together with a copy of the owner's statement, a copy of the engineer's report, and a signed copy of its recommendations, to the City Council.

(c) After receipt of the foregoing documents, the City Council shall take action upon the minor plat, certifying its approval or disapproval. In case of disapproval, it shall give its reasons therefore. If approved and all four copies are duly certified, one copy shall be delivered to the planning and zoning commission, one to the City engineer, one to the City clerk, and the fourth shall be returned to the owner or subdivider.

(d) The approval of the minor plat by the Council constitutes acceptance of the subdivision and authorization to proceed with development.

(e) Upon approval of the minor plat by the City Council, the subdivider or owner shall proceed with complete engineering data covering cross sections, profiles and proposed grade for the improvements, all to the satisfaction of the City engineer.

(f) Before the construction plans of any minor plat shall be approved, the subdivider shall, in lieu of final completion of the required improvements and before the plat is finally approved, enter into a contract with the City to ensure the completion of the improvement within a specified

time. The performance of such contract shall be secured by the filing of a bond (or cash) to be approved by the City Council. The bond or cash shall not be less than the approximate cost of the improvements as approved by the City engineer. (Ord. 1-92 §19-19, 1992)

Chapter 19.03

PRELIMINARY PLATS

Sections:

19.03.010 Submission Required

19.03.020 Information to be Shown

19.03.030 Procedure for Approval--Effect of Approval

19.03.010 Submission Required. Requirements of the preliminary plat: The subdivider shall prepare and file with the City clerk, four copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches. Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. (Ord. 1-92 §19-27, 1992)

19.03.020 Information to be Shown. The preliminary plat shall be clearly marked "preliminary plat" and shall show, or have attached thereto, the following:

- (1) Title, scale, north arrow and date;
- (2) Proposed name of the subdivision, which shall not duplicate or resemble existing subdivision names in the county, as approved by the county auditor;
- (3) The name and address of the owner and the name, address and profession of the person preparing the plan;
- (4) A key map showing the general location of the proposed subdivision in relation to surrounding development;
- (5) The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred feet of the subdivision boundary shall be attached;
- (6) The location of existing property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat;
- (7) Existing and proposed zoning of the proposed subdivision and adjoining property;
- (8) Contours at vertical intervals of not more than two feet accompanied by a note on the plat briefly describing the nature and extent of any topographic changes;
- (9) The legal description of the area being platted;
- (10) The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and-the approximate location of the property in reference to known section lines;
- (11) The layout, numbers and approximate dimensions of proposed lots;
- (12) The location, width and dimensions of all streets and alleys proposed to be dedicated for public use;
- (13) The proposed names of all streets in the area being platted. Proposed street names shall not resemble or duplicate the names of existing streets within the City unless the proposed street is a continuation of an existing street;
- (14) Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities;
- (15) Present and proposed easements, showing locations, widths, purposes and limitations;
- (16) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semipublic or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans;

- (17) Regulatory Flood Elevation Data. Limits of the one-hundred-year floodplain boundaries, original and revised, must be shown upon the plat;
- (18) The location and dimensions of any and all wetland areas, as defined herein, shall be clearly shown. Provisions regarding the disposition of such lands shall be stated;
- (19) The plat shall be accompanied by a written and signed statement in which the subdivider sets forth the proposed restrictions, easements, building lines, public improvements, etc., within the area of the plat;
- (20) The signature and seal of a Professional Engineer licensed in Iowa reflecting that the proposed improvements meet City design standards.
- (21) The fee, as required by this title. (Ord. 1-92 §19-28, 1992)

19.03.030 Procedure for Approval--Effect of Approval. (a) Four copies of the preliminary plat, one copy of an attorney's title opinion addressed to the City planning and zoning commission, together with three copies of the owner's statement, shall be filed with the commission, accompanied by a nonrefundable fee of forty dollars, plus one dollar per lot contained within the preliminary plat. There shall forthwith be referred one copy of the plat and a copy of the owner's statement to the City engineer. The City engineer shall carefully examine the plat as to its compliance with the laws and ordinances of the City, the existing street system and good engineering practices, and shall submit his findings in duplicate to the commission, together with the copy of the plat received.

(b) When the engineer's report is received by the commission, it shall as soon as possible thereafter consider the report and pass upon the plat. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The commission shall forthwith submit four copies of the preliminary plat, together with a copy of the owner's statement, a copy of the engineer's report and a signed copy of its recommendations to the Council.

(c) The Council shall then take action upon the preliminary plat, certifying its approval or disapproval. In case of disapproval, it shall give its reasons therefor. If approved and all four copies are duly certified, one copy shall be delivered to the commission, one to the City engineer, one to the City clerk, and the fourth shall be returned to the owner or subdivider.

(d) The approval of the preliminary plat by the Council does not constitute acceptance of the subdivision, but shall be authorization to proceed with the preparation of the final plat.

(e) Duration of Approval of, Preliminary Plat. The approval of a preliminary plat by the Governing Body shall be valid for a period of two years from the date of such approval, except upon application for and approval of an extension of such period of validity, by the Governing Body.

(f) Authorization to Install Improvements. The approval of the preliminary plat shall constitute authorization by the Governing Body for the installation of improvements as required by this title, and as shown on the preliminary plat; provided, no such improvement shall be constructed or installed until and unless the plans, profiles, cross-sections, and specifications for the construction of such improvement have been submitted to, and approved in writing by, the City engineer. (Ord. 1-92 §19-29, 1992)

Chapter 19.04

FINAL PLATS

Sections:

19.04.010 Submission Required

19.04.020 Required Scale

- 19.04.030 Information to be Shown
 19.04.040 Attachments to the Final Plat
 19.04.050 Procedure for Approval--Disapproval to State Reasons

19.04.010 Submission Required. Requirement of the Final Plat. The subdivider shall, within two years from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City clerk, four copies of the final plat and required attachments, as set forth in this title. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the Governing Body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. (Ord. 1-92 §19-38, 1992)

19.04.020 Required Scale. The final plat shall be drawn at a scale of one inch equals one hundred feet or larger. Sheet size shall be no greater than twenty-four inches by thirty-six inches nor smaller than eight and one half inches by eleven inches and shall be of a size acceptable to the county auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin. (Ord. 192 §19-39, 1992)

19.04.030 Information to be Shown. The final plat shall be clearly marked "final plat" and shall comply with Chapter 114A.8 of the Iowa Code and show the following:

- (1) The name of the subdivision;
- (2) Name of the owner and subdivider;
- (3) Scale, and a graphic bar scale, north arrow and date on each sheet;
- (4) All monuments to be of record, as required by Chapter 114A.5, Code of Iowa;
- (5) Sufficient survey data 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 subdivided lands;
- (6) All distance, bearing, curve, and other survey data, as required by Chapter 114A.8, Code of Iowa;
- (7) Street names and clear designation of public alleys;
- (8) Block and lot numbers;
- (9) Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use;
- (10) The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat;
- (11) All interior excepted parcels, clearly indicated and labeled, "not a part of this plat";
- (12) The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual
- (13) A statement by a licensed land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal. (Ord. 1-92 §19-40, 1992)

19.04.040 Attachments to the Final Plat. The following shall be attached to and accompany any final plat:

- (1) A certificate by the owner and his/her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds;

- (2) A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner's possession and that the land is free from encumbrances other than those secured by an encumbrance bond;
- (3) The encumbrance bond, if any;
- (4) A statement of restrictions of all types that run with the land and become covenants in the deeds of lots;
- (5) A certificate by the City engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements shall have been provided to the City engineer. In lieu thereof, the City clerk may certify that a performance bond guaranteeing completion has been approved by the City attorney and filed with the clerk;
- (6) Where the improvements have been installed, a resolution accepting and approving such improvements, along with the maintenance bond required by this title;
- (7) If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City attorney, providing for the construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance, shall be required;
- (8) All resolution forms and certificates necessary for approval by the planning and zoning commission and the City Council and for signatures by the Mayor and City clerk;
- (9) The applicable fee, if any. (Ord. 1-92 §19-41, 1992)

19.04.050 Procedure for Approval--Disapproval to State Reasons. (a) Four copies of the final plat, together with three copies of a signed owner's statement, shall be submitted to the City planning and zoning commission, accompanied by a nonrefundable fee of forty dollars, plus one dollar per lot contained within the final plat. There shall forthwith be referred one copy of the plat, together with a copy of the owner's statement, to the City engineer. The City engineer shall carefully examine said plat as to its compliance with the approved preliminary plat, and shall submit his findings in duplicate to the Commission together with the copy of the plat received.

(b) When the engineer's report is received by the commission, it shall, as soon as possible, consider the report and pass upon the plat. When the final plat has been passed upon by the commission, four copies of the plat shall forthwith be transmitted to the Council, together with a copy of the owner's statement, a copy of the engineer's report and a signed copy of its approval to the Council.

(c) When the final plat has been approved by the Council and all four copies duly certified, one copy shall be delivered to the commission, one to the City engineer, one to the City clerk, and the fourth copy to the owner or subdivider for filing with the County recorder. If said plat is disapproved by the Council, such disapproval shall point out wherein the proposed plat is objectionable. (Ord. 1-92 §19-42, 1992)

Chapter 19.05

STANDARDS AND SPECIFICATIONS

Sections:

19.05.010 Character of Development to be in Statement of Plat

19.05.020 Improvements--Bond or Cash Required

19.05.030 Parks--Recreational Areas

19.05.040 Subdivider to Provide Drainage, Dedicate Easement in Presence of Streams, etc

- 19.05.050 Lot Lines
- 19.05.060 Required Lot Dimensions
- 19.05.070 Corner Lots
- 19.05.080 Building Lines
- 19.05.090 Divisions to Allow Opening, Extending of Streets--Easements May be Required
- 19.05.100 Relation of Streets to Adjoining Street Systems
- 19.05.110 Street System to Comply with City's Plan-Intersecting, Parallel Streets
- 19.05.120 Street Requirements
- 19.05.130 Street Grades
- 19.05.140 Street Names
- 19.05.150 Alleys
- 19.05.160 Easements Required in Absence of Alleys
- 19.05.170 Places
- 19.05.180 Plats Outside Corporate Limits

19.05.010 Character of Development to be in Statement of Plat. The City planning and zoning commission and the Council may require that certain minimum regulations regarding type and character of subdivision development be incorporated in the owner's statement of plat. Such regulations shall be intended to protect the character and development of the platted subdivision, as well as that of the surrounding development. (Ord. 1-92 §19-53, 1992)

19.05.020 Improvements--Bond or Cash Required. (a) Before the final plat of any subdivided area shall be approved and recorded, the subdivider shall make and install the improvements required in this section.

(b) In lieu of final completion of the required improvements and before the plat is finally approved, the subdivider shall enter into a contract with the City to ensure the completion of the improvements within a specific time. The performance of such contract shall be secured by the filing of a bond (or cash) to be approved by the Council. The bond or cash shall be not less than the approximate cost of the improvements as estimated by the City engineer.

(1) The subdivider shall provide the City with as built plans showing the exact location of all underground utilities as well as the exact location of connections on each lot.

(c) The required improvements are as follows:

(1) Street Grading and Surfacing. All streets shall be filled or excavated to the established grade and surfaced to the specifications (found in Sec. 19.03.120 of this ordinance)(Ord. 4-95)

(2) Sewers. Where the subdivision lies within two hundred fifty (250) feet of an existing sanitary sewer, the subdivider shall provide within the subdivision the sanitary sewer system including sewage pumping stations if required to make the sewer accessible to each lot in the subdivision. Sanitary sewer systems shall be approved by the Council and the construction supervised by the City Engineer. Adequate provisions shall be made for the disposal of storm water, subject to the approval of the Council and to the satisfaction of the City Engineer. (Ord. 4-95)

(3) Other Street Improvements. The City planning and zoning commission and the Council may also require certain other street improvements, including the installation of sidewalks, water mains, curbing, paving or other street surfacing on any or all streets, such improvements to be installed in accordance with the specifications approved by the Council and under the supervision of the City engineer.

(4) Underground Installation of Utilities Required. All electrical, telephone, communication, street lighting, traffic signals, television wires and cables, and any other public utility or associated service providing service within any such subdivision shall be installed entirely underground by the developer thereof in accordance with the rules, regulations and specifications of the public utility or agency providing such service. The subdivider shall furnish information that satisfactory arrangements have been made with the serving public utility or agency. The City

planning and zoning commission may recommend to the Council, after obtaining approval from the serving public utility or agency, that underground requirements may be waived if topographical, soil or other conditions make such installation unreasonable. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, concealed ducts, pedestal mounted terminal boxes and meter cabinets may be placed above ground as the regulations and policy of the serving public utility provide. Poles without overhead wires shall be permitted for street light poles, fire alarm boxes, traffic signals, civil defense alarms or other municipal equipment installed under the direction of the Council. (Ord. 1-92 §19-54, 1992)

19.05.030 Parks--Recreational Areas. Where a small park or other recreational area shown on a plan prepared by the City planning and zoning commission as part of the master plan for the City and adopted by the Council is located in whole or in part in the applicant's subdivision, the Council may, in those cases in which the Council deems such requirements to be reasonable, require the dedication or reservation of such area within the subdivision for park, playground, or other recreational purposes. (Ord. 192 §19-55, 1992)

19.05.040 Subdivider to Provide Drainage, Dedicate Easement in Presence of Streams, etc. Whenever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City an easement along such streams and watercourses meeting the approval of the City Council. (Ord. 1-92 §19-56, 1992)

19.05.050 Lot Lines. All sidelines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage shall be discouraged. (Ord. 1-92 §19-57, 1992)

19.05.060 Required Lot Dimensions. The minimum dimensions for lots in a subdivision shall be eighty (80) feet by one hundred, twenty-five (125) feet. In no case shall a lot that is to be used for residential purposes contain less area than is required by the lot area regulation of the zoning district in which the property is located. (Ord. 1-92 §19-58, 1992)

19.05.070 Corner Lots. Corner lots in subdivisions on major street intersections, and at all other points likely to be dangerous, shall have a radius of not less than fifteen feet at the street corner. On business lots, a chord may be substituted for the circular arc. (Ord. 192 §19-59, 1992)

19.05.080 Building Lines. (a) Building lines in subdivisions shall be shown on the plat and included in the owner's statement on all lots whenever the depth of such building lines is greater than those required by the zoning ordinance.
(b) Provisions shall be made in the owner's statement requiring all enclosed parts of buildings to be set back to such building lines. (Ord. 1-92 §19-60, 1992)

19.05.090 Divisions to Allow Opening, Extending of Streets--Easements May be Required.

(a) Where a parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

(b) Easements providing for the future opening and extension of such streets, may at the discretion of the Council, be made a requirement of the plat. (Ord. 1-92 §19-61, 1992)

19.05.100 Relation of Streets to Adjoining Street Systems. New subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. In general, such streets shall be of a width as great as that of the streets so continued or projected, but shall not be less than the minimum width requirement. (Ord. 1-92 §19-62, 1992)

19.05.110 Street System to Comply With City's Plan-Intersecting, Parallel Streets. (a) The street system of subdivision shall be so arranged to comply, as far as practicable, with the major street plan of the City, providing such a plan is in force.

(b) Intersecting streets, if possible, shall be near ninety-degree angles to each other. No street shall be parallel or approximately parallel to a railroad, unless it is one hundred fifty feet or more from the line of the railroad right-of-way. (Ord. 1-92 §19-63, 1992)

19.05.120 Street Requirements The streets shall meet the minimum requirements as outlined in Table 1. The Planning & Zoning Commission and the City Council shall determine classification of streets. To aid in determining classifications the following existing streets are classified as follows:

ARTERIALS:

- State Street
- Fayette Street
- Schneider Street

COLLECTOR:

- Lincoln street
- Willow Run Street
- Prestien Drive

SUNRISE STREET:

SERVICE:

- All Others

TABLE 1

CLASSIFICATION	LANES	R.O.W.	*Note 2 Surface Width	SURFACE WIDTH AND THICKNESS
Arterial	Two with parking on both sides	68 ft.	42 ft.	2" asphalt with 8" stone base
Collector	Two with parking on both sides	66-68 ft.	40-42 ft.	2" asphalt with 6" stone base
Service	Two with parking on both sides	63 ft.	37 ft.	2" asphalt with 6' stone base

*NOTE 2

- Note 2: All widths are from back of curb to back of curb
- Note 3: All new street shall also comply with Sec.19.20.100 (Ord. 4-95, 1-92 §19-64, 1992)

19.05.130 Street Grades. Street grades, if practical, shall not exceed six percent for major streets and ten percent for other streets and no grade shall be less than one-half of one percent. (Ord. 1-92 §19-65, 1992)

19.05.140 Street Names. Streets in subdivisions that are obviously in alignment with other streets already existing and names shall bear the name of existing streets; otherwise, names shall not duplicate existing names and names similar to existing street names shall not be permitted. (Ord. 1-92 §19-66, 1992)

19.05.150 Alleys. (a) The minimum width of an alley in a residential block in subdivision shall be sixteen feet. Alleys are not recommended for residential districts except under unusual conditions.

(b) Alleys will be required in the rear of all business lots and shall be at least twenty-four feet wide. (Ord. 1-92 §19-67, 1992)

19.05.160 Easements Required in Absence of Alleys. (a) Where alleys are not provided in a subdivision, easements of not less than five feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of a greater width may be required along lines or across lots where necessary for the extension of main sewers-and similar utilities.

(b) The subdivider shall consult with the City engineer, director of utilities and the manager of the local telephone company as for the need and location of such easements. (Ord. 1-92 §19-68, 1992)

19.05.170 Places. Where it is desired to subdivide a parcel of land, which, because of its size or location, does not permit a normal lot or street area, there may be established a "place." Such a place may be in the form of a court, non-connecting street or other arrangement, provided, however, that proper access shall be given to all lots from a dedicated place (street or court). If any dead-end place or court is more than two hundred fifty feet in length, it shall terminate in an open space, preferably circular, having a minimum dimension of one hundred feet. Except in unusual instances, no dead-end street or place shall exceed six hundred feet in length. (Ord. 1-92 §19-69, 1992)

19.05.180 Plats Outside Corporate Limits. All proposed subdivision plats for property lying outside of, but within two miles of, the corporate limits of the City of Denver shall submit such proposed plats as described herein and shall develop such subdivisions in accordance with those provisions stated herein as authorized by State Code, Sec. 354. (Ord. 4-95, 1-92 §19-70, 1992)

Chapter 19.06

SEVERABILITY, AMENDMENTS AND LIMITATIONS

Sections:

19.06.010 Severability

19.06.020 Amendments

19.06.030 Limitations

19.06.010 Severability. If any section, provision or part of this title shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the title as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional. (Ord. 1-92 §19-73, 1992)

19.06.020 Changes and Amendments. The ordinance codified in this title or any provision of this title may be changed or amended from time to time by the Governing Body, provided, however,

that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four not more than twenty days before the date of the hearing. (Ord. 1-92 §19-74, 1992)

19.06.030 Ordinance Not to Limit Other Ordinances. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this title conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive provision shall apply. (Ord. 1-92 §19-75, 1992)