

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 BUILDING AND LAND USE REGULATIONS - SUBDIVISION ORDINANCE

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6-14-1 SHORT TITLE. This ordinance shall be known and may be cited as “The City of Coggon, Iowa, Subdivision Control Ordinance.”

6-14-2 PURPOSE. The purpose of this ordinance is to establish minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety, and general welfare in the City of Coggon, Iowa.

6-14-3 DEFINITIONS. For use in the ordinance, certain terms or works used herein shall be interpreted or defined as follows. Words used in the present tense shall include the future; the singular shall include the plural; the plural shall include the singular; and the term “shall” shall always be mandatory.

1. The term “alley” shall mean public right of way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property.
2. The term “block” shall mean an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
3. The term “building lines” shall mean a line on a plat between which line and public right-of-way no buildings or structures may be erected.
4. The term “clerk” shall mean the city clerk of the City of Coggon, Iowa.
5. The term “council” shall mean the city council of the City of Coggon, Iowa.
6. The term “cul-de-sac” shall mean a minor street having one end open to traffic and terminated by a vehicular turn-around.
7. The term “easement” shall mean a grant of the right to use a strip of land for specific purposes by the general public, a corporation, or certain persons.

8. The term “lot” shall mean a portion of a subdivision or other parcel of land intended for the purpose whether immediate or future, or transfer or ownership, or for building development.
9. The term “major street” shall mean a street of considerable continuity connecting various sections of a city designated as a major street on the official street plan of the city.
10. The term “minor street” shall mean a street which is used primarily for access to the abutting properties.
11. The term “performance bond” shall mean a surety bond or cash deposit made out to the City of Coggon, Iowa, in an amount equal to the full cost of the improvements which are required by this ordinance, said cost estimated by the City Superintendent of Public Works, and said surety or cash bond legally sufficient to secure to the city that the said improvements will be constructed in accordance with this ordinance.
12. The term “plat” shall mean a map, drawing, or chart on which the subdivider’s plan of the subdivision of land is presented in which he submits for approval and intends, in final form, to record.
13. The term “subdivider” shall mean a person, firm, or corporation undertaking the subdivision or resubdivision of a tract or parcel of land.
14. The term “subdivision” shall mean a subdivision is the division of land into three (3) or more lots or other subdivision of land for the purpose, whether immediate or future, or transfer of ownership, or building development. The term when appropriate to the context, shall relate to the purpose of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, and subdivision of land.
15. The term “Superintendent of Public Works” shall mean the city Superintendent of Public Works of the city.

6-14-4 PLATTING REQUIRED. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot, or lots, acreage or suburban lots within the city or within two (2) miles from the corporate limits, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth selling any lots therein contained or placing the plat on record.

6-14-5 PROCEDURE. In obtaining final approval of a proposed subdivision by the city council, the subdivider shall submit a preliminary plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

6-14-6 REQUIREMENTS OF A PRELIMINARY PLAT. The subdivider shall first prepare and file with the city clerk seven (7) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point, and date.
2. Subdivision boundary lines, showing dimensions, bearings angles, and references to section, townships, and range lines or corners.

3. Present and proposed streets, alleys, and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surface, curbs, and planting strips, and location of streetlights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords, and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
7. Present and proposed easements, showing locations, widths, purposes, and limitations.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation, and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivisions names in the city.
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor, or architect who prepared the preliminary plat, and the engineer, surveyor, or architect who will prepare the final plat.
11. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
12. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the commission waives this requirement.

6-14-7 REFERRAL OF PRELIMINARY PLAT. The city clerk shall forthwith refer two (2) copies of the preliminary plat to the Superintendent of the Public Works and five (5) copies to the city.

6-14-8 ACTION BY THE SUPERINTENDENT OF PUBLIC WORKS. The Superintendent of Public Works shall carefully examine said preliminary plat as to its compliance with the laws and regulations of the City of Coggon, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit his findings in duplicate to the city together with one (1) copy of the plat received.

6-14-9 ACTION BY THE CITY COUNCIL. The city council shall, upon receiving the report of the city Superintendent of Public Works, as soon as possible, but not more than thirty (30) days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, and pass upon the preliminary plat as originally submitted or modified. If the city council does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification, or disapproval.

1. In the event that substantial changes or modifications are made by the city or disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. If approved, the city council shall express its approval as “Conditional Approval” and state conditions of such approval, if any.
3. The action of the city council shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copies retained by the council.
4. The “Conditional Approval” by the city council shall not constitute final acceptance of the addition or subdivision by the city, but an authorization to proceed with preparation of the final plat.

6-14-10 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

6-14-11 REFERRAL OF FINAL PLAT. The subdivider shall, within twelve (12) months of the “Conditional Approval” of the preliminary plat by the city council, prepare and file seven (7) copies of the final plat and other required documents with the city clerk as hereafter set forth, and upon his failure to do so within the time specified, the “Conditional Approval” of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the city council. Upon receipt of the final plat and other required documents, the city clerk shall transmit five (5) copies of the final plat to the city council for its recommendations and approval.

6-14-12 REQUIREMENTS OF THE FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with India ink on a reproducible tracing linen.

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets, and alleys. These should be exact and complete to include all distances, radii, arc, chords, points, or tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuances of present streets should bear the same name. If new names are needed, they should be distinctive. Streets names may be required to conform to the city plan.
4. Locations, type, materials, and size of all monuments and markers including all U.S., county, other official benchmarks.
5. The plat should be signed and acknowledged by the subdivision landowner and his or her spouse.
6. A sealed certification of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.

6-14-13 FINAL PLAT ATTACHEMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. A certificate by the owner and his spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the 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.
3. A complete abstract of the title and an attorney's opinion showing that the fee title to the subdivision is in the owner and that the land is free from encumbrances other than those secured by an encumbrance bond.
4. A certificate from the county treasurer that the subdivision land is free from taxes.
5. A certificate from the clerk of the district court that the subdivision land is free from all judgements, attachments, mechanics, or other liens of record in his office.
6. A certificate from the county recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.
7. A certificate of dedication of streets and other public property.
8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
9. Resolution and certificate for approval by the council and for signatures of the mayor and clerk.
10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size, and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with the west or south at the left.
11. A certificate by the city Superintendent of Public Works or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the city attorney and filed with the City Clerk, or that the city council has been approved by the city attorney and filed with the City Clerk, or that the city council has agreed that the city will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
12. The encumbrance bond, if any.

6-14-14 ACTION BY THE CITY COUNCIL. The city council shall, within a reasonable time, either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the city council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.

2. In the event that said plat is found to be acceptable and in accordance with this ordinance, the city council shall accept the same.
3. The passage of a resolution by the city council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Linn County, Iowa, and shall file satisfactory evidence of such recording in the office of the city clerk before the city shall recognize the plat as being in full force and effect.

6-14-15 GENERAL REQUIREMENTS. The following general requirements shall be followed by all subdividers:

1. Relation to existing streets.
 - a. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - b. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or confirm to a plat for the neighborhood approved by the city planning commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.
2. Acreage subdivisions.
 - a. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.
 - b. Where the parcel is subdivided into larger tracts that for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.
 - c. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
3. Minor streets.
 - a. Minor streets shall be so planned as to discourage through traffic.
 - b. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of way-width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

4. Frontage streets.
 - a. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - b. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of way, the city planning 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 park purposes in residential districts, or for commercial or industrial purposes in appropriate private districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
5. Half-streets. 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 planning commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
6. Street geometrics.
 - a. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
 - b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - c. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the city planning commission shall determine for special cases.
 - d. Street right-of-way widths shall be shown in the city's master plan.
7. Intersections.
 - a. Insofar as is practical, acute angles between streets at their intersection are to be avoided.
 - b. Streets shall be laid out so as to intersect as nearly as possible at right angles and not street shall intersect any other street at less than sixty (60) degrees.
 - c. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the city planning commission may deem it

necessary. The city planning commission may permit comparable cutoffs or chords in place of rounded corners.

8. Street names. Streets that are in alignment with other already existing and names shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound familiar to existing street names. Street names shall be subject to the approval of the city planning commission.
9. Street grades.
 - a. Street grades, wherever feasible, shall not exceed five (5) percent, with due allowance for reasonable vertical curves.
 - b. No street grade shall be less than one-half (1/2) of one (1) percent.
10. Alleys.
 - a. Alleys shall be provided in commercial and industrial districts, except that the city planning commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking, consistent with and adequate for the uses proposed.
 - b. The width of an alley shall be twenty (20) feet.
 - c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
 - d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the city planning commission.
11. Blocks.
 - a. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the city planning commission, extraordinary conditions unquestionably justify a departure from these limits.
 - b. In blocks over seven hundred (700) feet in length, the city planning commission may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.
12. Lots.
 - a. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- b. Minimum lot dimensions and sizes shall conform to the requirements of the ordinance. Provided:
 - (1) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide not less than ten thousand (10,000) square feet in area.
 - (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - (3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.
- c. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- e. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building lines.

- a. Lot area per dwelling. Every lot or tract of land whereon a dwelling is erected shall have an area of not less than six thousand (6,000) square feet and an average width of not less than fifty (50) feet.
- b. Front yard per dwelling. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- c. Side yard for dwellings. There shall be two side yards, one on each side of the dwelling having a combined width of not less than ten (10) feet, provided that in no case shall either side yard be less than four (4) feet in width. Where a lot is located at the intersections of two or more streets, the width of the yard along the side streets shall be not less than twelve and one-half (12 ½) feet.
- d. Rear yard for dwellings. There shall be a rear yard having depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller but it shall not be less than fifteen (15).

14. Easements.

- a. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

- b. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width for construction, or both, as will be adequate for the purpose.
15. Plat markers. Markers shall be placed at all block corners, angle points, points in curves in streets, and all such intermediate points as shall be required by the city Superintendent of Public Works. The markers shall be of such material, size, and length as may be approved by the city Superintendent of Public Works.

6-14-16 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the city council and to its satisfaction.

- 1. Street and alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the city council after receiving the report and recommendations of the city Superintendent of Public Works.
- 2. Roadways. All roadways with proper curb and gutter shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the city council may require.
- 3. Sidewalks. Sidewalks may be required by the city council if they are considered necessary for the general welfare and the safety of the community. Sidewalks shall be constructed to the grade approved by the city council after receiving the report and recommendations of the city Superintendent of Public Works.
- 4. Sewer lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property lines in accordance with the city water department standards, procedure, and supervision.
- 5. Sewers.
 - a. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the city council and the state Department of Health and construction subject to the supervision of the city Superintendent of Public Works.
 - b. Where sanitary sewers are not available, other facilities, as approved by the city council and the state Department of Health must be provided for the adequate disposal of sanitary sites.
 - c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the city council and to the supervision of the city Superintendent of Public Works.

6-14-17 COMPLETION OF IMPROVEMENTS. Before the city council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the city council. Before passage of said resolution of acceptance, the city Superintendent of Public Works shall report that said improvements meet all city specifications and ordinances or other city requirements, and the agreements between subdivider and the city.

6-14-18 PERFORMANCE BOND. The completion requirements may be waived in whole or in part if the subdivider will post a performance bond with the city council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of this plat; but final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the city.

6-14-19 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the city council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this ordinance. In no case shall any variance or modification be more than minimum easing of the requirements and in no instance shall it be in conflict with any zoning ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) or the members of the city council.

6-14-20 CHANGES AND AMENDMENTS. Any regulations or provisions of this regulation may be changed and amended from time to time by the city council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which has been published at least once, not less than ten (10) nor more than twenty-five (25) days before the date of the hearing.

6-14-21 PENALTY. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days or a fine not exceeding one hundred dollars (\$100.00).