

## **Chapter 16.01**

### **SUBDIVISION REGULATIONS**

Sections:

- 16.01.010 Application/General Jurisdiction
- 16.01.020 Fees Established
- 16.01.030 General Procedures
- 16.01.040 Improvements Required
- 16.01.050 Inspection
- 16.01.060 Easements Required
- 16.01.070 Maintenance Fee Required
- 16.01.080 Minimum Standards for the Design of Subdivisions Prescribed
- 16.01.090 Preliminary Plat Requirements
- 16.01.100 Final Plat Requirements
- 16.01.110 Variances
- 16.01.120 Recording of Plats
- 16.01.130 Penalties
- 16.01.140 Building Permits Denied
- 16.01.150 Changes or amendments
- 16.01.160 Minimum Design Standards
- 16.01.170 Standard Specifications for Improvements
- 16.01.180 Enforcement for Non-compliance

16.01.010 Application/General Jurisdiction. It shall be unlawful for any person being the owner, agent of person having control of any land within the corporate limits of the City or within two miles outside those limits, to create a subdivision or replat of a lot in an existing subdivision unless by plat, in accordance with the regulations contained herein. Such plat shall be submitted to the City Council for approval or disapproval in accordance with the procedures contained herein. No plat shall be recorded and no lots shall be sold from such plat unless and until approved and all public lands and rights dedicated to the City, or other appropriate jurisdiction within the extraterritorial limit, as required.

1. The sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional building lots or creates lots that are nonconforming with respect to this and other City ordinances, shall not be considered a subdivision of land.
2. Any land owner within the City or within the unincorporated areas of the County, within two miles of the limits thereof, who may hereafter establish or dedicate a road, highway, street or alley through a tract of land, regardless of area, shall submit a subdivision plat to the City in accordance with this chapter. The use of eminent domain to establish or create said road, highway, street or alley shall not require the owner to submit a subdivision plat.

16.01.020 Fees Established. The application shall be accompanied by following fees payable to the City:

For plats in the unincorporated area under two-mile review the fee is \$50.00

For minor subdivision or replats with existing physical improvements the fee is \$100.00

For a Preliminary Plat the amount is \$ 200.00.

For a Final Plat, the amount is dependent upon the size of development and shall be calculated based upon the following schedule:

Less than 2 Acres:	\$200.00
2 to 20 Acres:	\$200.00 + \$20/Acre
21 to 40 Acres:	\$350.00 + \$15/Acre
Over 40 Acres:	\$1000.00

The cost of any engineering inspection for acceptance of physical improvements shall be paid by the subdivider. No plat for any subdivision or re-subdivision shall be considered filed with the Clerk, unless and until said plat is accompanied by the fee. Any required applications and fees associated with the City's approved Storm Water Management Ordinance are separate from the required preliminary and final plat fees. (Updated April 26, 2017 with Ordinance #9-17)

16.01.030 General Procedures. The general procedures relative to the platting process are described below.

1. Pre-submission of plans. prior to the submission of a preliminary plat, each subdivider of land shall confer with the City or City officials in order to become thoroughly familiar with the City Comprehensive Plan, Storm Water Management Ordinance and with any municipal regulations affecting the area to be subdivided.

Subdividers are invited to submit to the City studies or sketches which may be helpful in discussing the preparation of a preliminary plat.

2. Preliminary Plats. A preliminary plat is required for any subdivision that requires the extension of services by the City or potentially impacts the implementation of the City Comprehensive Plan. Where an area being platted is part of a larger parcel all of which is not to be platted at this time, the preliminary plat should address the general circulation and drainage from the entire property and provide for service extensions to the edge of the area to be incorporated in a final plat and provisions for future services. Street circulation shall be designed to ensure access throughout the subdivision.

3. Final Plats. Final plats represent the legal division of land from which lots are sold.

4. An application for plat of a parcel that contains any house, building, or other structure intended for human occupancy, employment, recreation, or other purposes shall indicate, in writing, how each structure is served with water and sewer service. In the event water or sewer service is provided to more than one subdivided parcel, the City shall require the subdivider to file a shared tap agreement, in a form acceptable to the City, prior to consideration of the final plat. The subdivider shall also record the shared tap agreement with the Dubuque County Recorder.

As a condition of plat approval, the City may allow the shared tap to continue in use only until repairs or replacement are needed, at which time a separate tap shall be required for each separate house, building, or other structure. A shared tap shall not be allowed to continue service to any newly constructed house, building, or other structure unless special permission is granted by the City, which may only be granted after the applicant demonstrates good cause for continuing use of a shared tap. (subsection 4 added Ord. 24-14)

16.01.040 Improvements Required. The subdivider shall, at the subdivider's expense, install and construct all improvements required by this chapter. 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. The City's Design Standards and Standard Specifications for Improvements are outlined in Sections 16.01.160 and 16.01.170, respectively. (Ord. 28-15, 2015)

16.01.050 Inspection. All improvements shall be inspected to ensure compliance with the requirements of this chapter. The cost of such inspection shall be paid by the subdivider and shall be the actual cost of inspection to the City.

16.01.060 Easements Required.

1. 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 (10) feet in width shall be granted by the owner along rear, front or side lot lines for public utilities.

2. Drainage. Where any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall at the subdivider's 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 proper maintenance of the watercourse. No person shall place or allow to be placed an accumulation of materials, including, but not limited to, wood, concrete, stone, brush, grass clippings, or other debris that

might block the flow of storm water in a storm water drainage easement or could reasonably be expected to be carried downstream by such storm water to the detriment of either upstream or downstream property owners.

16.01.070 Maintenance Fee Required. The owner and subdivider of the land being platted shall be required to provide to the City a fee equal to 1.5% of the City-approved cost estimate of the required improvements. This fee is in lieu of a maintenance bond to remedy defects that may arise after acceptance of the public improvements. No refund of this fee shall be issued if funds are unused. Payment of the maintenance fee shall not relieve any principal or surety of their obligations covered under the terms of a performance bond filed with the City for the same improvement. The owner/subdivider/developer is responsible for preparation and submittal of cost estimate. The City's Engineer will approve the estimate or return it with comments for revision. Payment of the required fee shall be made prior to the City's final acceptance of the improvements.

16.01.080 Minimum Standards for the Design of Subdivisions Prescribed. The standards set forth in this chapter shall be considered the minimum standards necessary to protect the public health, safety and general welfare. The City's Design Standards are outlined in Section 16.21.

16.01.090 Preliminary Plat Requirements. Plats containing three (3) lots or less which do not involve the extension of City services may be exempted from the requirement of the preliminary plat as set forth in this Chapter.

1. Submission of Storm Water Management Plan. The subdivider shall submit a digital and two (2) paper copies of the storm water management plan to the City Clerk who shall refer the plan to the City engineer for review. The engineers report shall be filed with the City Council and the Planning and Zoning Commission.
2. Submission of Preliminary Plat - Contents. The subdivider shall submit to the Commission 10 copies of the preliminary plat. Two (2) copies shall be at a scale of not less than one (1) inch per one hundred (100) feet. 8 shall be reduced to smallest readable size (preferably 8 ½" x 11" or 11" x 17"). Said plat should be submitted at least ten (10) working days prior to the regular meeting of the Commission at which the plat is to be considered. It shall contain or be supplemented by the following information:
  - A. The location of present property lines, section lines, easements, corporate limits and other legally established districts, streets, building, watercourses, marshes, rock outcropping, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto [generally within one hundred (100) feet];
  - B. The proposed location and width of streets, alleys, lots, building setback lines and easements, if any;
  - C. The location of existing sanitary and storm water sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto. The location and size of the nearest water and sewer mains, storm water sewer outlets, electric, gas, phone and other services to be provided are to be included in a general way upon the plat;

D. The proposed name of the subdivision (which shall not duplicate any previously filed plat), the name of the land owner, the land developer and the proposed land surveyor;

E. The names and adjoining boundaries of all adjacent subdivisions and the names of record owners of adjoining parcels of land;

F. Existing contours with intervals of five (5) feet or less. Where the general slope of the land is less than a two percent (2%) grade, two foot (2') contours may be required; and

G. North point, graphic and nominal scale, the date submitted and a vicinity sketch showing the proposed subdivision in relationship to surrounding development and street systems and water courses.

3. Review Procedures - Conformance with Minimum Standards. The following is the procedures for submission and review of a preliminary plat by the City. The standard for development improvements are contained in this chapter and the City's Standard Specifications for materials with respect to construction of improvements.

A. The Clerk, upon receipt of the copies of the preliminary plat, shall file one (1) copy in the records of the City. The Clerk shall submit the plat to the City engineer, who shall file a report with the City.

B. The Clerk shall provide copies of the plat and engineer's report to the Planning and Zoning Commission and shall schedule the plat for consideration by the Commission.

C. The Commission shall examine the plat and other information as it deems necessary to ascertain whether the plat conforms to the ordinances of the City and conforms to the Comprehensive Plan and other duly adopted plans of the City. The Commission shall, within forty-five (45) days of the filing of the plat with the Clerk, forward a report and recommendation regarding the plat to the Council. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.

D. The Council shall examine the plat, the engineer's report, and the report of the Commission and such other information as it deems necessary or desirable. Upon such examination, the Council shall determine whether the plat conforms to the Comprehensive Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City, in order to protect the public health, safety and welfare. Following such examination, the Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the Council is to disapprove the plat or to approve subject to conditions, the reasons therefor shall be set forth in writing in the official Council proceedings and such decision shall be provided to the applicant. Action on the preliminary plat by the Council shall be taken within sixty (60) days of the filing of the plat with the Clerk unless such time period is extended by agreement between the subdivider and the City.

4. Authorization to Install Improvements, Performance Bond. The developer, at the City's discretion, has the option of installing the improvements under observation of the City and then submitting the final plat or delaying the construction of the improvements by providing a performance bond or other similar guarantee exercisable by the City to ensure installation of the required improvements. The approval of the preliminary plat by the Council shall not constitute authorization for the installation of improvements as required by this chapter and as shown on the preliminary plat. The developer may apply to the City for a Site Development Permit to install improvements prior to final plat approval, provided no such improvements shall be constructed or installed until and unless the plans, profiles, cross-sections and specifications of the construction of such improvements have been submitted to and approved in writing by the City engineer and any other required permits have been obtained from the appropriate regulatory agencies. If the developer elects to install improvements after approval of the final plat, said plan shall be approved by the City engineer prior to final plat approval.

5. Revocability and Duration of Approval. Approval of the preliminary plat, or any portion thereof not final platted, is revocable by the Commission.

A.. If neither a part nor all of the preliminary plat is approved by the Council as a final plat within two (2) years after the approval of the preliminary plat, the approval for the preliminary plat shall expire and be void unless an extension for an additional period not to exceed five (5) years is granted by the Council with the advice of the Commission.

B. If only a part of a preliminary plat is approved as a final plat, the approval of the remaining portion of the preliminary plat shall automatically be extended for a period of five (5) years from the platting date for a period of five (5) years from the platting date.

#### 16.01.100 Final Plat Requirements.

1. Conditions for Approval. After approval of the preliminary plat by the Council, the subdivider may prepare a final plat and submit 10 copies to the Commission. They shall be filed at least 15 working days prior to the date of the meeting of the Commission at which they are to be considered. If the final plat conforms to the approved preliminary plat, the Commission will approve the plat subject to the conditions that the Commission may deem necessary and forward it to the Council for final acceptance.

2. Engineering Plans. Detailed engineering drawing and construction plans, prepared by and certified to by a professional engineer registered in the State of Iowa, in accordance with the provisions of the latest revision of the City's Standard Specifications and storm water sewers, water and sanitary sewer systems as contained herein shall be submitted to the City for review at the subdivider's expense. Engineering plans shall be approved by the City's engineer prior to construction of the improvements.

3. Scale. The final plat is to be drawn from an accurate survey at a scale of fifty feet to the inch (1" = 50') unless a specific variance is granted by the Commission.

4. Submission of the Final Plat - Contents. 8 copies of the final plat, reduced to the smallest readable size (preferably 8 ½" x 11" or 11" x 17"), together with the original tracing and two (2) to scale copies shall be submitted to the City. They shall be filed at least ten (10) working days prior to the regular meeting of the Council at which they are

to be considered. The plat will be clearly marked "Final Plat" and will show or be supplemented by the following information:

- A. The name of the subdivision;
- B. The name and address of the owner, subdivider and/or registered agent;
- C. Scale, and a graphic bar scale, north arrow and date on each sheet;
- D. All monuments to be of record, as required by Chapter 354 of the Code of Iowa;
- E. 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. The boundaries shall be tied to the nearest section corner.
- F. All distances, bearings, curve and other survey data as required, as required by Chapter 354 of the Code of Iowa;
- G. All adjoining properties shall be identified and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a re-subdivision or a part of the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Re-subdivision shall be labeled as such in a subtitle following the name of the plat.
- H. The lines of all proposed streets with their widths, and any other area intended to be dedicated for public use along with the proposed use for the dedicated land;
- I. The lines of all adjoining lands and the lines of adjacent streets and alleys with their width and names;
- J. An identification system for all lots and blocks;
- K. Building lines and easements for any right-of-way provided for public use, services or utilities, or excess storm water passageways with dimension shown;
- L. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners;
- M. All survey monuments and benchmarks together with their descriptions;
- N. A statement by a registered 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, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat; and
- O. Signature blocks for the approval signature of the Mayor, Chair of the Planning and Zoning Commission, authorized representatives of the public

service or utility companies concerned that easements shown on the plat are satisfactory for their requirements.

5. Material to be Filed Prior to Consideration. The following material shall be filed with the City at least six (6) working days prior to the regular meeting of the Council at which they are to be considered.

A. One of the following:

(1) A certificate bearing the approval of the City engineer, stating that all improvements and installations to the subdivision required by this section have been made or installed in accordance with the Standard Specifications and this chapter; or

(2) a. A performance bond or bonds with the City, which will ensure to the City that the subdivision improvements will be completed by the subdivider within two (2) years after Council acceptance of the plat.

b. The form and type of a performance bond or bonds shall be approved by the City Attorney, and the amount of any bond shall not be less than the estimated cost of the improvements, and the amount of any performance bond shall be approved by the City engineer. If the improvements are not completed within the specified times, the Council may use the bond or bonds or any necessary portion thereof to complete the improvements.

B. A petition, signed by the property owner, requesting the Council to approve the plat and stating that they are doing so of their own free will;

C. A letter of certification by the surveyor that all monuments required are in place;

D. State approvals of plans and profiles of all sanitary sewers and appurtenances;

E. If a surety bond is to be filed, a letter from the developer's engineer stating the quantities of excavation, pavement, sidewalks, sewers, and other necessary improvements;

F. A hold harmless agreement protecting the City from any damages, claims or suits resulting from the construction and development by the owner and/or subdivider, with said agreement approved as to format by the City Attorney and recorded with the plat;

G. The following signed certificates, current within thirty (30) days prior to the date of the Council's approval shall accompany the final plat submitted to the Council:

(1) The Mayor's and Clerk's certification. The Mayor and Clerk certify Council's approval of the final plat by resolution.



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

(3) A statement from mortgage holders. A statement from the mortgage holders, if any, that the plat is prepared with their free consent and in accordance with their desires, signed and acknowledged before an officer authorized to take the acknowledgement of deeds. In lieu of such consent, the owner may provide an affidavit and bond as provided in Chapter 354 of the Code of Iowa. When a mortgage holder consents to the subdivision, a release of mortgage shall be recorded for any areas conveyed to the City or dedicated to the public.

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

(5) The County Treasurer's certificate. A certificate from the County Treasurer that the land is free from certified taxes and that the certified special assessments are secured by a bond in compliance with Chapter 354 of the Code of Iowa.

(6) One surveyor's certificate, signed and sealed.

6. Final Approval. After approval of the final subdivision plat by the Commission, the recommendation of approval and the final plat shall be submitted to the Council for final approval and acceptance. If the Commission does not approve the final plat of the subdivision, the Council may approve the plat only by a three-fourths (3/4) vote of the entire membership of the Council. Council approval of the final plat shall be by resolution. If the Council rejects the final plat, it shall state in the Council minutes, wherein said final plat is objectionable.

16.01.110 Variances. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the 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 chapter. In no case shall any variance or

modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified or waived.

16.01.120 Recording of Plats. Upon the approval of the final plat by the Council, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the Clerk within that period. Within sixty (60) days following approval of the final plat by the Council, the subdivider shall file with the City two (2) copies of the recorded final plat.

16.01.130 Penalties. Any person who shall dispose of or offer for sale, except as conditioned on the approvals required herein, any lot or lots within the area of jurisdiction of this chapter, until the plat thereof has been approved by the Council and recorded as required by law shall forfeit and pay a fine not to exceed the limits established in the Code of Iowa, 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 chapter.

16.01.140 Building Permits Denied. No building permit shall be issued for construction on any lot, parcel or tract, where a subdivision is required by this chapter, unless and until a final plat of such subdivision has been approved and recorded in accordance with this chapter, and until the improvements are completed in accordance with the provisions of this chapter.

16.01.150 Changes or Amendments. This chapter or any provision of this chapter may be changed or amended from time to time by the Council provided, however, that such changes or amendments shall not become effective until after study and report by the Commission and after a public hearing has been held, public notice of which shall have been published at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing.

16.01.160 Minimum Design Standards All development within the City shall be in accordance with the Statewide Urban Design and Specifications (SUDAS) Design Manual (latest edition) with the following modifications/additions:

1. Streets

- A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety and their appropriate relations to the proposed uses of the land to be served by such streets.
- B. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
- C. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other at less than 60 degrees.
- D. Street right-of-way widths for residential streets shall not be less than fifty (50) feet when easements for utilities are provided on private property. Minimum

roadway width shall be thirty-one (31) feet from back of curb to back of curb. Major, Collector, and Arterial Streets shall be a minimum right-of-way of sixty (60) feet with a minimum roadway width of thirty-seven (37) feet from back of curb to back of curb.

- E. Half streets shall be prohibited.
- F. Dead-end streets, designed to be so permanently, shall not be allowed unless an exception is granted. If granted, a dead-end street shall conform to the design standard set by the City or conform to the following: shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet. (Ord 19.2022)
- G. No street names will be used which duplicate or will be confused with the name of existing streets. Street names shall be subject to the approval of the planning commission. In doing so, the commission shall consult the County Auditor.
- H. Street grades shall not exceed ten percent (10%) nor be less than one-half (1/2) of one (1) percent.
- I. Concrete Curb and Gutter is required on all subdivision streets and shall be installed at the subdivider's expense.
- J. The minimum standards for final street surfaces shall be based upon street classification as follows:

Street Classification	P.C.C. Section	Asphalt (HMA)
Secondary Through Streets	7" P.C.C. 4" Granular Subbase	8" HMA 6" Granular Subbase
Cul-de-sac/Dead End	7" P.C.C. 4" Granular Subbase	8" HMA 6" Granular Subbase
Major Collector	8" P.C.C. 6" Granular Subbase	11" HMA 8" Granular Subbase

The above are the minimum standards. The developer's engineer is responsible for designing pavements structures in accordance with the design manual based upon actual soil conditions and anticipated traffic volume and loading. Depending upon these variables, a heavier pavement section may be required. The developer shall submit detailed pavement design calculations to the City for approval. A proof roll will be required to be performed under the observation of the City prior to the placement of stone subbase in accordance with the site development permit.

- K. Storm sewer system is required and shall contain adequate drains, ditches, culverts, bridges, storm sewers, intakes and manholes to provide for the collection and removal of all surface waters and shall be installed at the subdivider's expense in accordance with plans and specifications prepared by a licensed professional engineer in accordance with the City's Storm Water Ordinance and approved by Council.

- L. Subdivider shall plan that 4 ft. sidewalks would be placed 3 ft. back of curb. The subdivider shall install accessible sidewalk ramps, landing pads, and approaches at all intersections. When installed, all sidewalks, landing pads, and ramps shall meet current SUDAS and ADA specifications. The ramp, landing, and approach plans shall be shown in plans submitted to the City for review and approval as part of the subdivision plan review process. (Ord. 28-15, 2015)
- M. Trees shall not be planted on City right-of-way or City property except by the City.
- N. All telephone, power, and cable shall be placed underground. The municipality shall be responsible to furnish and install all street lighting, including lighting standards, bases, foundation, trenching, and conduit. (Ord 11-18, 2018)

## 2. Alleys

- A. Alleys shall be provided in commercial and industrial districts except the planning commission may waive this requirement where other definite and assured provisions are made for service access such as off-street loading, unloading, and parking, consistent with and adequate for the proposed uses.
- B. The width of an alley right-of-way shall be thirty (30) 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 not be allowed.
- E. All alleys shall be hard surfaced in accordance with 1. (J), above.

## 3. 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 (14) feet wide.
- B. Where a subdivision is traversed by a water course, drainageway, channel, or stream, these shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of construction, or both, as will be adequate for the purpose.

## 4. Blocks and Lots

- A. Block lengths shall not exceed 1000 feet or be less than 350 feet.
- B. Lot dimensions shall conform to the requirements of the zoning ordinance, and;
- C. Residential lots not able to be served by public sewer shall not be less than 100

feet wide and less than twenty thousand (20,000) square feet in area.

- D. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- E. The subdividing of land shall be such as to provide by means of a public street each lot with satisfactory access to an existing street.
- F. Side lot lines shall be substantially at right angles or radial to street line.

## 5. Public Sites and Open Spaces

The provision of public land for parks and recreation purposes is considered essential to the proper development of the City of Epworth, and when requested by the City, the owner shall deed the fee simple title to a location or lot within the tract being subdivided. The tract may not comprise less than 5% of the total acreage of the land being platted. Or, at the request of the council, the subdivider shall pay the city a fee equal to 5% of the value of the unimproved subdivision which will be set aside for park purposes.

16.01.170 Standard Specifications for Improvements All development within the City shall be constructed in accordance with the Statewide Urban Design and Specifications (SUDAS) Specification Manual (latest edition) with the following modifications/additions:

### 1. Division 4 – Sewers and Drains

#### A. Section 4010, 2.01 – Sanitary Sewer (Gravity Mains)

- (1) Sanitary Sewer mains shall be minimum PVC SDR-26.

### 2. Division 5 – Water Mains and Appurtenances

#### A. Section 5010, 2.03 – Fittings

- (1) ‘Megalug’ restrained joints required at all fittings.

#### B. Section 5010, 2.07 – Water Service Pipe and Appurtenances

- (1) All services ¾” to 1 ½” shall be copper, ASTM B88, Type K. All couplers for service lines shall be brass.
- (2) Curb boxes shall be Minneapolis pattern with center rod extending to top of box and comply with City Standards. Boxes shall have 52” rod. Curb stop per City standard for compression fittings.

#### C. Section 5020, 2.02 – Fire Hydrant Assembly

- (1) All fire hydrants shall be Kennedy conforming to City Standards for 6’ depth of bury.

16.01.180 Enforcement for Non-Compliance If a site or any lot is not in compliance with its plans or the Subdivision Code requirements as determined by inspection, including payment of all required development and permit fees, a stop work order and a disconnect order, ordering the disconnect or shut off of water or sanitary sewer services, may be issued and additionally the City may issue a municipal infraction or levy a fine. A violation or failure to conform by any person of any provision of this Ordinance, including the commencing, constructing, causing or permitting the commencement of any development or construction activity with full compliance as described within the Subdivision Code will be subject to abatement, a stop work order, a disconnect order, ordering the disconnect or shut off of water or sanitary sewer services, if applicable, municipal infraction and/or fine of \$750.00. The City may order compliance by written notice of violation setting forth the time within which compliance must be completed and if that person fails to conform with such time provided, the City may cause such remediation or conformance work to be done and the person shall be liable for such costs. The City may issue an order to stop all development and construction related activities on any non-conforming site or lot until conditions of non-conformance are corrected. Construction activity, other than that which is required to correct a condition of non-conformance, prior to the correction and the conditions of non-conformance, shall constitute a further violation and be subject to all of the City's enforcement options contained herein. (Ord. 5-19)

*Ordinance #23-13 adopted November 12, 2013 with amendments as noted..*