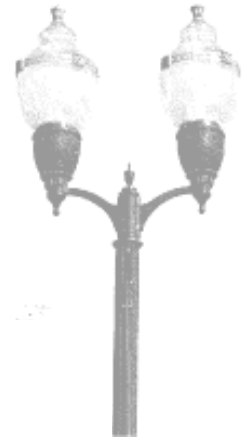


City of SPIRIT LAKE IOWA



2010

SUBDIVISION REGULATIONS



*Prepared with Planning Assistance from
NorthWest Iowa Planning &
Development Commission
Spencer, Iowa*

CITY OF SPIRIT LAKE

SUBDIVISION REGULATIONS

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**SPIRIT LAKE
SUBDIVISION REGULATIONS ORDINANCE**

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CHAPTER 166

SUBDIVISION REGULATION ORDINANCE
CITY OF SPIRIT LAKE

AN ORDINANCE providing rules and regulations for the subdivision of land in the City of Spirit Lake, Iowa, and within its extraterritorial jurisdictional area; prescribing minimum standards for the preliminary and final plats; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health, and general welfare of the public in accordance with the Comprehensive Plan of Spirit Lake, Iowa.

WHEREAS, The City Council of Spirit Lake, Iowa, deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities, and streets; to promote the general welfare; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, water supply, sewage treatment, storm drainage, and other public improvements and services in areas of new development and throughout the city.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPIRIT LAKE, IOWA:

ARTICLE I

Basic Provisions

Article I: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Interpretation of this Ordinance
- Section 1.4. Jurisdiction
- Section 1.5. Application
- Section 1.6. Conformance to the Comprehensive Plan
- Section 1.7. Restrictive Covenants
- Section 1.8. Subdivision Classification
- Section 1.9. Recording of Plat
- Section 1.10. Plats Outside of the Corporate Limits

1.1. SHORT TITLE.

This ordinance may be known and cited as the “Subdivision Regulations of Spirit Lake, Iowa”.

1.2. PURPOSE.

It is deemed essential to establish minimum standards for the design and development of all new subdivisions and resubdivisions of land, so that existing land uses and developments will be protected and so that adequate provisions are made for public utilities and other public requirements, to insure growth occurs in an orderly manner consistent with the comprehensive plan, and to improve the public health, safety, and general welfare of the citizens of Spirit Lake.

1.3. INTERPRETATION OF THIS ORDINANCE.

In the interpretation and application of the provisions of this ordinance, such provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the community.

1.4. JURISDICTION.

In accordance with the provisions of Chapter 354, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Spirit Lake, Iowa, governing the subdivisions of all lands within the corporate limits of the city and all lands within the extraterritorial jurisdictional area.

1.5. APPLICATION.

Every owner of any tract or parcel of land which has been subdivided or any owner who shall hereafter subdivide or plan land into more than three (3) parts, for the purposes of laying out an addition, subdivision, building lot or lots, acreages or suburban lots within the city shall cause plats of such area to be made in form and containing the information hereinafter set out before selling any lot or lots therein contained or placing the plat on any public record.

1.6. CONFORMANCE TO THE COMPREHENSIVE PLAN.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to best conform to recommendations of the comprehensive plan. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

1.7. RESTRICTIVE COVENANTS.

The subdivider may, at their own expense, restrict the use of premises contained in a subdivision plat by means of restrictive covenants. Any such covenants shall be included as deed restrictions on the final plat. Where any restrictive covenants are anticipated in a proposed subdivision which do not assist orderly, efficient, integrated development, promote the public health, safety and general welfare of the community, and insure conformance of the subdivision plans with the capital improvements program, comprehensive plan or major street plan, the City Council may deem these grounds for disapproval of the subdivision plat.

1.8. SUBDIVISION CLASSIFICATION.

Any proposed subdivision or resubdivision shall be classified as either a minor subdivision or a major subdivision by the Zoning Administrator. To aid in this, the proprietor shall submit in written or other appropriate documentation the principle features of access, relationship and location of existing roads, proposed water and sanitary sewer systems, public utilities and improvements, the number and location of the proposed lots and other pertinent data or information. Any subdivision may be classified as a major subdivision at the proprietor's request.

1.9. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within the City of Spirit Lake, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the Dickinson County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Furthermore, the City of Spirit Lake will make recommendation to the Dickinson County Planning and Zoning Commission that no subdivision plat, resubdivision plat or street dedication located within two (2) miles of the corporate limits of Spirit Lake be filed for records with the Dickinson County Recorder until the Spirit Lake Planning Commission has had an opportunity to review and comment on such subdivision with regards to compliance of this ordinance.

Upon approval of the final plat by the City Council of Spirit Lake it shall be the duty of the subdivider to immediately file such plat with the Dickinson 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 City Clerk within thirty (30) days.

1.10. PLATS WITHIN TWO (2) MILES OF THE CITY OF SPIRIT LAKE.

In accordance with the provisions of Section 354.9 of the Code of Iowa, as amended, a proprietor or other agent, shall file a copy of all preliminary and final subdivision plats including minor plats, for the unincorporated areas within Dickinson County that are within two (2) miles of the City. The City may review and comment on the proposed subdivision. The City may approve, disapprove, or waive their right to review all plats within the extraterritorial area defined herein. The plat(s) shall be filed with the City prior to or at the same time as filing with the County. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.

ARTICLE II Definitions

Article II: Definitions

Section 2.1. Definitions

2.1. DEFINITIONS.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is mandatory, the word may is permissive.

- 2.1 *Access Street* – A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from traffic.
- 2.2 *Aliquot part* – Means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
- 2.3 *Alley* – Shall mean a public right-of-way, other than a street, and shall be a minimum of twenty (20) feet in width affording secondary means of access to abutting property.
- 2.4 *Auditor's plat* – Is a subdivision plat required by either the County Auditor or Assessor, prepared by a surveyor under the direction of the Auditor to clarify property descriptions for the purposes of assessment and taxation.
- 2.5 *Block* – An area of land within a subdivision that is entirely bounded by streets, highways, lakes, sloughs, wetlands or marshes, tracts of public land, or other public rights-of-way except alleys; and all the exterior boundary or boundaries of the subdivision.
- 2.6 *Building Line (Setback Line)* – Building lines shall be shown on all lots intended for residential use of any character, and for commercial and industrial lots when required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
- 2.7 *City Engineer* – Any registered professional engineer designated by the City Council.
- 2.8 *Comprehensive Plan* – Is the general plan for development of the community which may be titled master plan, comprehensive plan, or some other title, and has been adopted by the City Council.
- 2.9 *Commission or Planning Commission* – The Spirit Lake Planning and Zoning Commission.
- 2.10 *Collector Streets* – Those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential developments and streets for circulation within such a development.
- 2.11 *Council or City Council* – The Spirit Lake City Council

- 2.12 *Cul-de-sac* – A short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
- 2.13 *Develop* – To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.
- 2.14 *Developer* – Any person or persons, who develops or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
- 2.15 *Easement* – A grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
- 2.16 *Engineer* – A registered professional engineer authorized to practice engineering as defined by the registration act of the State of Iowa.
- 2.17 *Half Street* – A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the city for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.
- 2.18 *Highway* – A major street which carries a large volume of traffic (usually state/federal routes).
- 2.19 *Improvements* – Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items for the welfare of the property owners and the public.
- 2.20 *Lot* – A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
- 2.21 *Major Subdivision* - All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvements.
- 2.22 *Major Thoroughfare* – A street used primarily for fast or large volume traffic.
- 2.23 *Manufactured Home Subdivisions* – A subdivision designed according to the Spirit Lake Subdivision Regulations, and designed only for the location of manufactured homes on lots owned by the manufactured home owner.
- 2.24 *Metes and Bounds Description* – A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.
- 2.25 *Minor Plat* – A plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the proprietor to save time and expense in reaching a general agreement as to the form of the plat.

- 2.26 *Minor street* – A street used primarily to access abutting properties.
- 2.27 *Minor Subdivision* – Any subdivision that creates not more than three (3) parcels fronting an existing road, not involving any new road or street or the extension of municipal facilities or the creation of any improvements or the dedication of lands to the city, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the Comprehensive Plan, Zoning Ordinance, or this ordinance may be classified as a minor subdivision and must meet the appropriate provisions of this ordinance.
- 2.28 *Official Plat* - Either an Auditor’s plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been approved by the City and filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
- 2.29 *Outlot* - A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot shall be an unbuildable lot, in and of itself. Typically a proprietor may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale; (b) To reserve a portion of a final plat for construction of and future dedication of a detention basin to the city or private association; or (c) For construction of a private street or access that will be owned and maintained by a private association.
- 2.30 *Owner* – The legal entity holding title to the property being subdivided or such representative or agent as is fully empowered to act on its behalf.
- 2.31 *Parcel* – A part or tract of land.
- 2.32 *Performance Bond* – A surety bond or cash deposit made out to the city in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the City Engineer, and surety bond or cash deposit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.
- 2.33 *Plat* – A map, drawing, or chart on which the developer’s or subdivider's plan of the subdivision is presented and which the developer submits for approval and intends to be recorded in final form.
- 2.34 *Proprietor* – Is a person who has a recorded interest in land, including a person selling or buying land pursuant to contract, but excluding persons holding mortgage, easement, or lien interest.
- 2.35 *Proprietor's Plat* – A plat as defined herein submitted by the owner of the land being platted, or his agent, or other private entity, acting with the consent of the owner.
- 2.36 *Resubdivision* – Any subdivision of land that has previously been included in a recorded plat. In appropriate context, the term may be used as a verb referring to the act of preparing a plat of previously subdivided land.

- 2.37 *Right-of-Way* – The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
- 2.38 *Roadway* – That portion of the improved street available for vehicular traffic, and measured from back to back of curbs where curbs are laid.
- 2.39 *Street* – Means public property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
- 2.40 *Street, Collector* – A street which carries traffic from a local street to a major street and is so designated on the major street plan for the planning area.
- 2.41 *Street, Dead End* – A short street having one end open to vehicular traffic and the other end terminated but not with a vehicular turnaround.
- 2.42 *Street, Local* – A street which is used primarily for access to abutting properties.
- 2.43 *Street, Major* – A street of considerable continuity connecting various sections of the city, and is so designated on the major street plan for the planning area.
- 2.44 *Subdivider* – The owner of the property being subdivided, or other such person or entity empowered to act on behalf of the owner's behalf.
- 2.45 *Subdivision* – A division of any parcel of land into three (3) or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land hereto for divided or platted into lots or other divisions of land; or if a new street is involved, any division of a parcel of land or the division into two (2) or more parts of any lot shall also be deemed a subdivision; and as further defined in Chapter 354, Code of Iowa.
- 2.46 *Subdivision Plat* – Is a graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the city where the land is located.
- 2.47 *Surveyor* – A registered land surveyor, who engages in the practice of land surveying pursuant to Chapter 114, Code of Iowa, authorized to practice surveying as defined in the registration act of the State of Iowa.
- 2.48 *Tract* – Means an aliquot part of a section, a lot within an official plat, or government lot.
- 2.49 *Utilities* – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

ARTICLE III

Minor Subdivision Procedures and Requirements

Article III: Minor Subdivision Procedures and Requirements

- Section 3.1. Minor Plat Requirements
- Section 3.2. Review by Agencies
- Section 3.3. Procedures for Minor Subdivision

In lieu of a Major Subdivision (Preliminary and Final Plats), a land owner, developer, subdivider or proprietor may be allowed to utilize a “Minor Subdivision” procedure provided the request conforms to the definition contained herein and the classification process outlined in Article I, Section 1.8. Minor platting procedures are as follows:

3.1. MINOR PLAT REQUIREMENTS.

The proprietor shall prepare the proposed minor subdivision plat and shall furnish to the City Clerk all plans and information, including three (3) copies of the final plat conforming in detail to the requirements set forth in this ordinance. The minor plat submitted shall contain the names and addresses of persons within a 200 foot radius of the proposed subdivision to who notice of hearing will be sent. No plat shall be considered or acted upon by the City Council without affording a hearing thereon, notice of the time and place of which shall be sent by mail to such addresses not less than ten (10) days before the date fixed therefore.

Said plat shall contain such information as required by this ordinance, specifically the requirements in Sections 5.2 and 5.3 of Article V – Final Plat Procedures & Requirements; or as may be specified by the Code of Iowa or the Zoning Administrator.

3.2. REVIEW BY AGENCIES.

The City Clerk shall place the plat on the upcoming City Council meeting agenda and immediately thereafter forward copies of the submitted plat to the Mayor and City Council members, City Engineer, Zoning Administrator, City Attorney and to such other agencies or persons as may be deemed appropriate and necessary. By the first of the following month, the following reviews shall be completed:

1. The City Engineer shall notify the City Clerk that access onto the city street can, or cannot, be provided and that other required public improvements are, or are not, present.
2. The City Engineer and/or the Public Works personnel shall notify the City Clerk that the land so proposed to be subdivided will comply with all applicable Spirit Lake, Dickinson County, and State of Iowa standards, and that the proposed or existing system of public improvements complies with applicable Spirit Lake, Dickinson County, and State of Iowa standards.
3. Other agencies or persons shall inform the City Clerk on factors deemed appropriate and necessary.

3.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within twenty (20) working days following the date of receipt of an application, or such additional period as the proprietor may authorize, the Zoning Administrator may schedule a public hearing on the subdivision request with the City Council. The City Council shall act upon the Minor Plat not more than sixty (60) days after the initial receipt by the City Clerk.
2. The City Council may approve or disapprove of the subdivision request, or they may refer the request to the Planning and Zoning Commission for their recommendation prior to considering the minor plat. If approved by the council, the minor plat shall be certified by resolution. In the event that a minor subdivision plat is not approved, the City Council shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal, to district court, the failure of the council to issue final approval of the minor plat as provided in this ordinance.
3. The passage of a resolution by the City Council accepting the plat shall constitute final approval for the area shown on the minor plat. The proprietor shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the county shall recognize the plat as being in full force and effect. The proprietor shall record the plat within sixty (60) days after City Council approval and shall be responsible for all recording costs. In addition, one (1) copy of the approved Minor Plat and adopting resolution as well as the completed plat proceedings with any restrictive covenants shall be submitted to the Zoning Administrator by the proprietor.

ARTICLE IV

Preliminary Plat Procedures and Data

Article IV: Preliminary Plat Procedures and Data

- Section 4.1. Pre-Application
- Section 4.2. Preliminary Plat Approval
- Section 4.3. Requirements of Preliminary Plat

4.1. PRE-APPLICATION.

Prior to the subdivision of any land, the subdivider or the subdivider's agent should discuss informally with the Planning and Zoning Commission the property proposed for subdivision with reference to these subdivision regulations and procedures, zoning regulations and controls, and other related planning documents.

4.2. PRELIMINARY PLAT APPROVAL.

In obtaining preliminary approval of a proposed subdivision and/or development by the city, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the City Clerk, ten (10) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance, and forthwith refer a copy to each member of the Planning Commission, the City Engineer, the City Attorney, and one copy to the City Council for review and consideration.
2. The City Engineer shall examine said plat as to its compliance with the laws and ordinances of the city, the existing street system, sound engineering practices, and shall, as soon as is possible, submit his findings to the Planning Commission;
3. After receiving the City Engineer's report the Planning Commission shall study the preliminary plat and other material for conformity to these regulations. The Planning Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The Planning Commission shall conclude its study of the preliminary plat, at its discretion hold a public hearing, and shall approve or disapprove the preliminary plat within sixty (60) days after the preliminary plat is first submitted to the city. If the Planning Commission does not act within sixty (60) days, the preliminary plat shall be deemed to be approved;
4. If approved, the Planning Commission shall express such approval in its minutes. If disapproved, the Planning Commission shall express its disapproval and its reasons therefore to the subdivider in its minutes. The action of the Planning Commission shall be forwarded to City Council.
5. The City Council, upon receipt of the Planning Commission's recommendations, and within sixty (60) days, or an extension thereof, shall by resolution grant approval or reject the preliminary plat. If the preliminary plat is rejected, the City Council shall advise the subdivider of any changes that are desired or should have consideration before approval will be given.

6. Upon approval of the preliminary plat by the Planning Commission and the City Council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat by the City Council shall be null and void unless the final plat is presented to the Planning Commission within one (1) year after the date of approval unless specifically extended by City Council action;
7. Approval of the preliminary plat by the Planning Commission and City Council is revocable and does not constitute final plat approval of the subdivision by the City Council or the Council's authorization to proceed with construction of improvements within the subdivision.

4.3. REQUIREMENTS OF PRELIMINARY PLAT.

The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show, on a map, all facts needed to enable the Planning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or the subdivider's representative, may call the city offices in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following information:

1. **GENERAL.** Title, scale, north arrow, date and official legal description of the property being platted. The scale of the preliminary plat shall be no more than one hundred feet (100') to one inch (1") (100' = 1"). A scale greater than one hundred feet (100') to one inch (1") may be used if prior approval is obtained from the Planning Commission and County Recorder. The sheet size shall not exceed eighteen inches (18") by twenty-four inches (24"). Where more than one sheet is required, the sheets shall show the sheet number and total number of sheets in the plat, and match lines indicating where other sheets adjoin.
2. **NAME.** Name of the subdivision that shall not duplicate or resemble existing subdivision names within the City of Spirit Lake or in Dickinson County.
3. **OWNER.** Name and address of recorded owner and/or developer and the name, address and profession of the person preparing the plan;
4. **KEY MAP.** A key map showing the general location of the proposed subdivision in relation to surrounding development or neighborhoods.
5. **NEIGHBORS.** The names and locations of adjacent subdivisions and a list of the names of all owners of record and residents of adjoining parcels of land to the subdivision's boundaries shall be attached.
6. **INFRASTRUCTURE.** The location of all existing or proposed buildings, railroads, underground utilities, and other rights-of-way;
7. **CONTOUR.** Show contour lines at intervals of not more than five (5) feet.

8. **BOUNDARIES.** Boundaries of the proposed subdivision, showing dimensions, bearing, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
9. **STREETS.** Location, names and widths of all existing and proposed roads, alleys, streets and highways, with their rights-of-way, dedicated widths, types and widths of surfaces and curbs. Additionally, a typical cross-section of the proposed streets shall be provided showing the type and width of surfacing, the type of drainage and other improvements to be installed as required by existing city specifications.
10. **LOTS.** Present and/or proposed layout of lots, showing the lot numbers, dimensions, building setback lines, radii, and the square-foot area if an irregular shaped lot.
11. **PUBLIC USE.** Parcels of land proposed to be dedicated for public use such as schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the comprehensive plan or other adopted plans.
12. **EASEMENTS.** Present and/or proposed easements, showing location, widths, purposes and limitations.
13. **UTILITIES.** Present and/or proposed utility systems or services, the location and size or capacity of water supply or mains; sanitary and storm sewers; other drainage or water control structures including ditches, culverts, bridges and other structures; gas mains; electric utilities; street lighting and telephone utilities; and other facilities.
14. **ZONING.** Existing and proposed zoning classifications of the land.
15. **SURVEYOR'S CERTIFICATE.** A statement or certification by a registered land surveyor of the State of Iowa 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.
16. **ADDITIONAL INFORMATION.** Any other pertinent information, as necessary for the review of the preliminary plat or as required by the Planning Commission or City Council.
17. **FEE.** The platting fee, as required by this ordinance and as established by resolution of the City Council.
18. **ACCOMPANYING MATERIAL.**
 - a. Deed restrictions or proposed covenants, if any, to be included in the owner's dedication of the plat;
 - b. Written statement by the appropriate officials of the availability of gas and electricity to the proposed subdivision;

- c. Written and signed statements explaining how and when the subdivider proposes to provide and install all improvements required by this ordinance. Such statement shall acknowledge required inspections and approvals by the City Engineer.

Upon conditional approval of the preliminary plat, the owner of a subdivision or resubdivision shall not be permitted to sell any lots or develop thereon until a final plat has been approved by the City Council and officially recorded in the office of the Dickinson County Recorder.

ARTICLE V

Final Plat Procedures and Data

Article V: Final Plat Procedures and Data

- Section 5.1. Final Plat Approval
- Section 5.2. Requirements of Final Plat
- Section 5.3. Final Plat Attachments

5.1. FINAL PLAT APPROVAL.

In obtaining final approval of a proposed subdivision by City Council, the subdivider shall submit a final plat in accordance with the following order and procedure:

1. Before submitting the final plat to the Planning Commission for approval, the subdivider shall furnish all plans and information as required by this ordinance, including ten (10) copies of the final plat. One (1) copy of the final plat shall be GIS Compatible in digital format.
2. The Planning Commission shall then consider the final plat, according to the procedures set forth for preliminary plats in Section 4.2. If the final plat is approved the Planning Commission shall submit their recommendation to the City Council, together with a copy of their resolution showing action of the Planning Commission;
3. The City Council shall then consider the final plat, according to the procedures set forth for preliminary plats in Section 4.2. If the same is acceptable and in accordance with this ordinance, the City Council may accept the same. If said plat is disapproved by the City Council, such disapproval shall point out in writing wherein said proposed plat is objectionable;
4. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting process 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 Dickinson County, Iowa, as provided in Chapter 354, Code of Iowa, and amendatory acts thereto. Furthermore, the subdivider shall also 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.
5. Final acceptance for recording purposes shall 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 council.

5.2. REQUIREMENTS OF FINAL PLAT.

The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk the final plat and required attachments, as set forth in this ordinance. 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.

The final plat area may include all or part of the preliminary plat, but in any case the final plat shall be clearly marked “Final Plat” and shall show the following:

1. **GENERAL.** The final plat shall be drawn at a scale of not more than one hundred feet (100') to one inch (1") (100'=1"). A scale greater than one hundred (100') to one inch (1") may be used if prior approval is obtained from the Planning Commission and County Recorder. The sheet size shall not exceed eighteen inches (18") by twenty-four inches (24"), or be smaller than eight and one-half inches (8½") by eleven inches (11") and shall be of a size acceptable to the Dickinson County Recorder. 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.
2. **TITLE OF SUBDIVISION.** The title or name of the subdivision under which it is to be recorded,
3. **OWNER.** The name and address of the owner(s) of the fee title to the real estate contained within the subdivision, and the name, address, and profession of the person preparing the plan.
4. **SCALE.** A scale, north arrow, and date on each sheet.
5. **BENCHMARKS AND SURVEY MONUMENTS.** Location, type, materials and size of all monuments and markers including all United States, Iowa, Dickinson County or other official benchmarks, as required by Chapter 114A, Code of Iowa.
6. **SURVEY DATA.** Accurate metes and bounds description of the boundary. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys, and street center lines. These should be exact and complete to include all distances, radii, arches, chords, points of tangency and central angles. All distance, bearing, complete curve notes for all curves includes in the plat, and other survey data, as required by Chapter 114A, Code of Iowa.
7. **ADJOINING PROPERTIES.** 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 resubdivision of a part or 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. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
8. **BLOCK AND LOT NUMBERS.** Lot numbers and dimensions.
9. **PUBLIC LAND.** Accurate dimensions for any property to be dedicated or reserved for public use, semi-public or community use and the purpose for which such property is dedicated or reserved for public use.
10. **STREETS.** Accurate locations of all existing and recorded streets intersecting the boundaries of the tract. Street names and clear designations of public alleys. Streets that are

continuations of present streets should bear the same name. If names are required they should be distinctive and not unnecessarily similar to existing street names. Street names may be required to conform to the city's comprehensive plan or by City Council's direction. Street right-of-way lines with accurate dimensions in feet and hundredths of feet. Plan and profiles of all streets, alleys, sanitary sewers, storm sewers and water lines at a fifty feet (50') horizontal scale and five feet (5') vertical scale. Profiles shall show location, size, and grade of all conduits, sanitary and storm sewers, pipelines, etc. to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end profile shall be at the left side of the drawing.

11. EASEMENTS. Any easement shown on the plat shall depict accurate locations and descriptions of easements for utilities and any limitations on such easements, and be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. COVENANTS. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval;
13. ACCURACY. Accurate boundary lines, with dimensions and angles which provide a survey of the tract, closing with an error of not more than one foot (1') in ten thousand feet (10,000') on the boundary and one foot (1') in five thousand feet (5,000') for any individual lot. Distances shall be measured to the nearest one hundredth foot;
14. SURVEYOR'S CERTIFICATE. A statement or certification by a registered land surveyor of the State of Iowa that the preliminary and final plats were 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.

5.3. FINAL PLAT ATTACHMENTS.

The final plat shall have the following attached when presented to the clerk for filing:

1. DESCRIPTION. A correct legal description or metes and bounds description of the subdivided land.
2. ABSTRACT OF TITLE. A complete abstract of title and the opinion of a practicing attorney showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.
3. ATTORNEY'S OPINIONS. An Attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner's name as shown on the plat and showing any encumbrances that may exist against said land.

4. **CERTIFICATE OF DEDICATION.** A certificate of dedication to the city, properly executed, for all streets intended as public streets, and for any other property intended for public use, except for areas outside the corporate limits.
5. **OWNER CERTIFICATE.** A certificate by the owner and his or her spouse, if any, that the subdivision is platted with free consent, and is in accordance with the desire of the owner(s). This certificate must be signed and acknowledged by the owner(s) before some officer authorized to take the acknowledgments of deeds.
6. **COUNTY TREASURER CERTIFICATE.** A certificate from the Dickinson County Treasurer that the subdivision land is free from unpaid taxes. Certificate to be signed at time of plat filing.
7. **COUNTY RECORDER CERTIFICATE.** A certificate from the Dickinson County Recorder that the title is free from all encumbrances other than those secured by an encumbrance bond. Certificate is to be signed at time of plat filing.
8. **COURT CERTIFICATE.** A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record. This certificate is to be signed at time of plat filing.
9. **DRAINAGE PLANS.** Drainage plans for the removal of storm water. These drainage plans require that storm water drainage complies with Section 7.4.12 Water Quality Management standards. Grading shall be designed so that all surface water shall be conducted to a street storm sewer or to a natural water course. No water course shall be altered so as to divert surface drainage from one watershed to another. Plats shall conform to any and all drainage districts.
10. **SATISFACTORY IMPROVEMENTS.** An engineer's certificate submitted on behalf of the owner or developer stating that the owner and/or subdivider warrant all required improvements, installation and/or construction by this ordinance in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat for a period of two (2) years from and after the date of acceptance by the City. Prior to such certification, "as built" plans and specifications of street improvements and utilities showing location, size, and grade for all improvements shall have been provided to the City Engineer. In lieu thereof, the city may certify that a performance bond, cash payment or letter of credit approved by the city guaranteeing completion has been approved by the City Attorney and filed with the city, or that the governing body has agreed that the city will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.
11. **RESOLUTION ACCEPTING IMPROVEMENTS.** Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.
12. **FEE.** The applicable fee, if any.

ARTICLE VI

Design Standards

Article VI: Design Standards

Section 6.1.	General Requirements
Section 6.2.	Streets
Section 6.3.	Alleys
Section 6.4.	Railroads
Section 6.5.	Easements
Section 6.6.	Blocks
Section 6.7.	Lots
Section 6.8.	Plat Markers and Monuments

6.1. GENERAL REQUIREMENTS.

The following design standards shall be followed by all developers in subdividing or resubdividing land. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

6.2. STREETS.

1. All proposed plats and subdivisions shall conform to the Spirit Lake Comprehensive Plan. All proposed plats and subdivisions shall also conform to any additional proposed street plans as set out by the city. 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.
2. The arrangement of proposed streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets (constructed or recorded) in surrounding areas, or conform to an approved preliminary or neighborhood plan unless variations are recommended by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Where the submitted plat includes only a part of the developer's plat, the Planning Commission may require a topography and a sketch of the tentative future street system of the unsubdivided portion.
4. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
5. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than six hundred feet (600'). Cul-de-sacs shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred thirty feet (130') in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty feet (60'). The property line(s) at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius

of not less than one hundred fifty feet (150'); or equal straight approach lines. A turnaround diameter greater than one hundred thirty feet (130') may be required by the commission in the case of commercial or industrial subdivisions if it is deemed necessary.

6. Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty degrees (60°).
7. When connecting street lines deflect from each other at any one point by more than ten degrees (10°), they shall be connected by a curve with a radius adequate to insure sight distance of not less than two hundred feet (200').
8. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. Proposed streets that are in alignment with others already existing, or with a street that may logically be extended although the various portions may be at a considerable distance from each other, shall bear the name of the existing streets. The names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Planning Commission.
9. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Planning Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
10. Streets and alleys shall be completed to grades that have been officially determined or approved by the city. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares or ten (10) percent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates of grades, or greater, if deemed necessary by the city; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the city.
11. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would lend themselves to attractive treatment.
12. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Planning Commission.
13. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide motor access to such frontage by one of the following means:
 - a) A parallel street, supplying frontage for lots backing onto the trafficway.

- b) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
 - c) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
 - d) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the trafficway.
14. A dedication to the city shall be given for all streets before the same will be accepted for city maintenance.
15. Minimum right-of-way and roadway widths shall be provided in accordance with the Iowa Department of Transportation's SUDAS (*Iowa Statewide Urban Design Standards for Public Improvements*) manual.
16. Other Considerations.
- a. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - b. Street jogs of less than 150 feet shall be avoided.
 - c. No dead-end streets or alleys will be permitted except at subdivision boundaries.
 - d. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is otherwise approved.
 - e. Intersection of more than two streets at a point shall not be permitted.

6.3. ALLEYS.

Alleys may be required in business areas and industrial districts, and except where justified by unusual conditions alleys will not be approved in residential districts.

- 1. Alleys may be provided in commercial and industrial districts for adequate access to block interiors and for off street loading and parking purposes, except that the City Council may waive this requirement where other definite and assured provision has been made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- 2. The width of any alley shall be a minimum of twenty feet (20').
- 3. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

6.4. RAILROADS.

If a railroad is involved, the subdivision plan should:

- 1. Be so arranged as to permit, where necessary, future grade separation at highway crossings of the railroad;

2. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad, or form a buffer strip for park, commercial, or industrial use;
3. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto;

6.5. EASEMENTS.

1. Easements not less than seven and one half feet (7½') shall be provided along each side of the rear lot lines of all lots, and along such other lot lines as may be required by public and private utility companies and the City Council;
2. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or city council.
3. Utility easements shall convey to the city, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, fiber optic lines, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet (4') from the wires or poles, together with the right to extend to any telephone, telecommunications, electric, power or natural gas company, the right to use separately or jointly with the city, the areas included in the easement for the purposes above enumerated.
4. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at their own expense, provide and dedicate to the city an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of twenty feet (20') on each side plus stream design width and a total width adequate to provide for any channel straightening or relocations.

6.6. BLOCKS.

1. No block may be more than one thousand feet (1,000') or less than three hundred feet (300') in length between the centerline of intersecting streets.
2. At street intersections, block corners shall be rounded with a radius of not less than twenty-five feet (25') unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.
3. In blocks over seven hundred feet (700') in length, the City Council may require at or near the middle of the block a public way or easement of not less than ten feet (10'), nor more than forty-five feet (45') in width for use as an easement for public utilities.

6.7. LOTS.

Generally, the lot arrangement and design shall be such that all lots provide satisfactory and desirable building sites properly related to topography, drainage, sanitation and the character of adjacent developments.

1. Minimum lot dimensions and sizes shall conform to the Zoning Ordinance.
2. Corner lots shall be not less than twenty feet (20') greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.
3. Double frontage or through lots, other than corner lots, shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography. The front and rear of double frontage lots shall be identified on the plat and no access will be allowed from the rear yard street.
4. Each lot shall be provided by means of a public street or acceptable private drive with satisfactory access to a public street.
5. Side lot lines where possible shall be at right angles or radial to the street lines.

6.8. PLAT MARKERS AND MONUMENTS.

1. Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points with an iron pin or pipe monument at least thirty inches (30") long, five-eighths (5/8") in diameter re-rod, with a surveyor's identification cap attached, or as per State Code.
2. A permanent bench mark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.
3. Developer shall provide the city with GPS (Global Positioning System) coordinates on all plat markers.

ARTICLE VII IMPROVEMENTS

Article VII: Improvements

- Section 7.1. Improvements
- Section 7.2. Resubdivisions
- Section 7.3. Suitability of the Land
- Section 7.4. Required Improvements
- Section 7.5. General Requirements for Installation of Utilities
- Section 7.6. Specifications
- Section 7.7. Improvements with Extraterritorial Jurisdiction
- Section 7.8. Guarantee
- Section 7.9. Acceptance and Maintenance
- Section 7.10. As Built

7.1. IMPROVEMENTS.

The subdivider shall be responsible for the installation and construction of all improvements required by this ordinance, and shall warrant the design, materials, and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after the date of approval of the final plat. Such warrant shall be by bond or other acceptable collateral subject to review by the City Attorney. It shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the city from any and all costs or losses resulting from, attributed to, etc., such defective improvements.

Before the City Council approves 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 Engineer shall report that said improvements meet all city specifications and ordinances or other requirements and agreements between the subdivider and the city.

This requirement may be waived if the subdivider will post a performance bond, letter of credit or certified check with the City of Spirit Lake, Iowa, guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after 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 of Spirit Lake, Iowa.

If a performance bond, cash bond or letter of credit is posted, such bond or letter shall be subject to review by the City Attorney prior to acceptance, shall specifically assure the expedient installation and completion of all improvements within the specified construction time period, and shall indemnify the City of Spirit Lake, Iowa, from any and all costs or losses of the development and construction.

The City Council may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to

public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

7.2. RESUBDIVISIONS.

The City Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

7.3. SUITABILITY OF THE LAND.

No land shall be subdivided for residential purposes that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare unless such suitable conditions are corrected to the satisfaction of the city.

1. If a subdivision is found to be unsuitable for any of the reasons cited in this section the Planning and Zoning Commission or City Council shall state its reasons in writing and afford the proprietor an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission or City Council may re-affirm, modify or withdraw its determination of unsuitability.
2. All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and planned installations. All land in a subdivision that lies in a floodplain shall be:
 - Shown on the individual lots in the preliminary plat, and
 - Encouraged to remain as open space for use by all the lots in the subdivision
 - Shall comply with the Spirit Lake Zoning Ordinance or any other specific Flood Plain Ordinance of the city
3. Subdivisions (including mobile home parks) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards.

7.4. REQUIRED IMPROVEMENTS.

All plans, specifications, installation and construction required by this ordinance shall conform to all current city specifications and standards, and shall be subject to the review, approval and inspection by the City Engineer or other authorized city representative. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the City Engineer not less than twenty-four (24) hours in advance of readiness for required inspections.

1. **STREET GRADING.** All streets and alleys within the platted area dedicated for public use shall be brought to grade at the subdivider's cost as approved by the City Council after receiving the report and recommendation of the City Engineer. All streets shall be a minimum of thirty feet (30') of paved surface, unless otherwise allowed by city council.
2. **CURB AND GUTTER.** The subdivider shall, at the subdivider's expense, install 6" full curb and gutter on all streets in the plat which are being dedicated for public use unless the requirement is waived by City Council action. The 6" full curb and gutter shall be constructed of Portland cement concrete in accordance with the design and specifications and grades as approved by the City Council.
3. **STREET SURFACE.** The subdivider shall, at the subdivider's expense, surface from curb to curb all streets being dedicated for public use. Surfacing shall consist of not less than six inches (6") of Portland cement concrete over a prepared subgrade and shall be constructed in accordance with designs and specifications and at grades approved by the City Council. On collector and thoroughfare streets where a higher standard or greater thickness is herein required, the additional cost may be borne by the city.
4. **SIDEWALKS.** The subdivider shall, at the subdivider's expense, be required to install sidewalks unless the requirement is waived by recommendation of the Planning Commission and approval of the City Council. If the Planning Commission does not recommend the waiver of sidewalk improvements, then the City Council must approve the waiver by a super majority or 75% vote in the affirmative. All sidewalks shall be constructed to city specifications.
5. **STREET SIGNS.** The developer shall provide the subdivision with acceptable street signs at the intersection of all streets.
6. **FIRE HYDRANTS.** In accordance with the NFPA (National Fire Protection Association) and to achieve a higher ISO rating, fire hydrants shall be placed so that no lot in a residential subdivision is more than three hundred feet (300') from a fire hydrant; and no lot in a commercial/industrial subdivision is more than three hundred feet (300') from a fire hydrant. The City Council, upon recommendation or assistance from the Spirit Lake Fire Department, may require special spacing in more heavily developed areas on a case by case basis.
7. **NATURAL PLANTINGS.** Trees and shrubs may be planted within the street right-of-way or utility or drainage easements, where approved by the City Council. Plantings and fences at intersections shall be so located as to maintain adequate sight distance according to regulations identified in the Spirit Lake Zoning Ordinance.
8. **WASTEWATER SEWERS.** The subdivider shall, at the subdivider's expense, provide the subdivision with a wastewater sewage facilities. The subdivider shall connect or provide for the connection to such wastewater sewer including all necessary pumping stations, force mains, pumping equipment and other appurtenances, with a wastewater sewer outlet or public treatment facility approved by the City Council. Sewers shall extend to the subdivision boundaries as necessary for the extension of the sewers to adjacent property. The developer

shall stub a sewer service line into each lot being developed. Wastewater systems shall be approved by the City Council and the Iowa Department of Natural Resources and such other agency or department of the state as shall from time to time be designated and charged with the regulatory authority over use, installation and maintenance of wastewater facilities. Where oversized sewers are required to serve other areas of the watershed, the additional cost may be borne by the city or assessed on an area basis to the properties served.

9. **WATER LINES.** The subdivider shall connect with existing water mains in accordance with the city and state standards and subject to their supervision. The subdivider shall, at the subdivider's expense, provide the subdivision with a complete water supply system including fire hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the city's water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the design standards approved by the City Council. All water mains that serve or in the opinion of the city shall serve in the future for fire protection shall have a minimum diameter of six inches (6"). Where oversized mains are required to serve other areas, the additional cost may be borne by the city or assessed on an equal basis to the properties served. Water service lines shall be installed to the property line of all platted lots and terminated by a curb stop by the developer.
10. **STORM WATER.** Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the City Council. The subdivider shall, at the subdivider's expense, provide the subdivision with adequate drains, ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water. Storm water drainage can not exceed pre-development flow rates. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. Where oversize storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost may be borne by the city or assessed on an area basis to the properties served.
11. **MARKERS.** The subdivider shall, at the subdivider's expense, place markers or monuments as required in Article VI, Section 6.8.
12. **WATER QUALITY MANAGEMENT.** All proposed plats and subdivisions shall be developed to comply with Statewide Urban Design and Specifications (SUDAS) and shall manage water quality volume of 1.25 inches by infiltration process according to the Iowa Stormwater Management Manual.

7.5. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES.

The City Council may require that all utility lines, except lines of nominal voltage in excess of fifteen thousand (15,000) volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Council may consider that soil, topographical, or other conditions make such installations within

the subdivision unreasonable or impractical. Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following shall apply. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, sewer mains, etc., and all related lot, service connections) shall be completely installed and approved through the length and breadth of the street.

7.6. SPECIFICATIONS.

The type of construction, materials, methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the city for approval prior to construction and construction shall not be started until plans and specifications have been approved.

7.7. IMPROVEMENTS WITHIN EXTRATERRITORIAL JURISDICTION.

Improvements in the two mile extraterritorial review area will be recommended in accordance with the standards outlined in the Article (as required above), provided they are not less than that required by the Dickinson County subdivision regulations, and provided further that all road and drainage construction plans shall be approved by the County Engineer, and completed roads shall be accepted by the Board of Supervisors for public maintenance.

In the case of an extraterritorial subdivision that is annexed into the corporate boundaries of the City of Spirit Lake, all improvements required shall be done at the expense of the subdivision property owners either through direct expense if the subdivision property owners complete the improvements or through special assessment if the city may cause the improvements to be made.

7.8. GUARANTEE.

The completion requirement for platting, herein provided, may be waived in whole or in part if the developer will post one of the following guarantees with the City Council ensuring that improvements not completed will be constructed within a period of one (1) year. Waiver of the completion requirement by the City Council, upon posting of a satisfactory bond with sureties approved by the council shall not constitute an 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 developing area until such improvements have been completed and accepted by the city.

- 1) Performance Bond. The subdivider shall post with the City Council a bond equal to the council's approved estimate of construction costs, in favor of the City Council, guaranteeing satisfactory completion of all improvements whether within the city or planning area, in a period not exceeding one (1) year from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa. If a performance bond is posted, such bond shall be subject to review by the City Attorney prior to acceptance; and shall indemnify the City of Spirit Lake from any and all costs or losses of the development and construction. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed.

- 2) Cash Bond. The subdivider shall deposit in cash with the City Council an amount equal to the council's approved estimate of the cost of construction of all improvements. Progress payments may be made to the subdivider or the contractor, as work progresses on the written order of the city.
- 3) Special Assessments. In the case of partially dedicated streets, streets not wholly within the proposed subdivision or streets where other adjacent property owners are involved, the subdivider may petition the City Council to have the necessary improvements constructed and assessments levied against the property owners.

The City Council may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

7.9. ACCEPTANCE AND MAINTENANCE.

Upon completion of all improvements required by this ordinance, and upon submission of satisfactory proof to the City Council or other public agency that such improvements have met the standards and requirements of the city or other public agency and are installed on public property, approved and recorded rights-of-way or easements, the City Council shall by resolution accept the following portions of such improvements for the purpose of ownership and maintenance by the city or other public agency:

1. All hard surfaced streets, including curbs and gutters if installed
2. Alleys and alley approaches.
3. All water mains, associated valves, and fire hydrants.
4. That portion of a customer's water service line from the main "T" to the curb stop located on the customer's property line.
5. Sewer mains, manholes and lift stations, but not including any portion of a service line.
6. Stormwater retention practices and/or their associated catch basins.

The City Engineer or other designated inspector shall make a final inspection of all streets, utilities and other improvements as required. The subdivider shall maintain all improvements for two (2) years after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the City Council or by the posting of a maintenance bond in favor of the council, both in the amount of five percent (5%) of the estimated cost of the improvements. Thereafter, the city may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program which may require special assessments from the individual property owners.

7.9. AS BUILT.

The developer shall furnish the city with a complete set of copies of as-built drawings at the completion of the installation of utilities.

ARTICLE VIII PUBLIC SPACE DEDICATIONS

Article VIII: Public Space Dedications

Section 8.1. Park, Open Space & Public Use Dedications

Section 8.2. Other Public Space Regulations

8.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.

On a new subdivision, the subdivider shall be required to make available a minimum of five percent (5%) of the net area of a residential subdivision or Planned Unit Development for dedication to the lot owners or the City of Spirit Lake, Iowa in the subdivision for parks, playgrounds, open space or other public uses such as a school or other public facility unless otherwise waived by the City Council of the City of Spirit Lake, Iowa. The subdivider shall meet with the Planning and Zoning Commission prior to submission of the preliminary plat to determine what area would be best suited to meet the needs of the lot owners or City of Spirit Lake, Iowa for the parks, playgrounds, open space or other public use.

8.2. OTHER PUBLIC SPACE REGULATIONS.

1. Public spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site which is undesirable for such public or civic uses.
2. If the city's comprehensive plan requires a public open space larger than five percent (5%) of the net area of the proposed subdivision, the subdivider shall reserve the area in excess of the dedication requirement for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by the last available Dickinson County assessment rolls. After such time, the subdivider may re-plat such acreage for their own purposes.
3. Natural features, historic sites, and similar community assets shall be preserved in parks and open spaces within the subdivision.

ARTICLE IX

ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article IX: Administration, Enforcement & Amendment

- Section 9.1. Fees Established
- Section 9.2. Variances
- Section 9.3. Enforcement
- Section 9.4. Penalties
- Section 9.5. Chain Subdividing
- Section 9.6. Amendments
- Section 9.7. Validity
- Section 9.8. Repealer

9.1. FEES ESTABLISHED.

The City Council shall, from time to time, establish by resolution fees for review of plats. Each preliminary plat submitted for approval shall be accompanied by a fee to be determined by resolution of the City Council. No fees shall be charged for public land plats submitted by a governmental department of the city, plats submitted by any school board, or plats of property reserving or dedicating land to the city provided no other subdivision of land is shown thereon. Said fees shall be credited to the general fund of the City of Spirit Lake, Iowa.

9.2. VARIANCES.

In the event that it can be demonstrated to the satisfaction of the City Council where the strict application of the standards or requirements established by this ordinance would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of unusual topography, natural or physical conditions or limitations not created by the owner, developer, or to provide for low impact development practices within the subdivision, the Planning and Zoning Commission may recommend that the City Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this policy. In granting any variance, the Planning and Zoning Commission may recommend and the City Council may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

It is provided that any specific variance, modification or waiver granted under this provision shall in no way affect the future and subsequent enforcement of this ordinance; any variance, modification or waiver by the city under this provision shall not be construed to amend or nullify either the intent or purpose of this ordinance. Under no circumstances shall any variance or modifications be greater than the least variance or modification of the ordinance requirement necessary to provide substantial justice, and in no instance shall such variation or modification be in conflict with any zoning ordinance; it is specifically herein provided that any variance, modification or waiver by the city council under the provisions of this section shall be granted only by the affirmative vote of four-fifths (4/5) of the members of the City Council.

9.3. ENFORCEMENT.

In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated subject to the following:

1. No plat or subdivision in the City of Spirit Lake, Iowa or within the extraterritorial jurisdictional area thereof (subject to exceptions as provided in Chapter 354.14, Code of Iowa), shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and has been approved by the City Council as prescribed herein.
2. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been accepted by the city.
3. No public improvements over which the City Council has control shall be made with city funds, nor shall any city funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of adoption of this ordinance unless such subdivision and streets have been approved in accordance with the provisions of this ordinance and the street accepted by the City Council as a public street.
4. No zoning compliance permit required by the zoning ordinance shall be issued until, and unless, all improvements required by this ordinance have been made in accordance with city plans and specifications and accepted by the City Council.

9.4. PENALTIES.

Any owner or agent of the land located within the platting jurisdiction of the city, who knowingly or with intent to defraud, transfers, disposes or sells or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not less than one hundred dollars (\$100) per day and not more than five hundred dollars (\$500.00) per day for each lot so transferred, disposed of, leased or offered for sale. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the Zoning Administrator or other appropriate official may bring action to enjoin such erection or cause it to be vacated or removed.

9.5. CHAIN SUBDIVIDING.

No more than two (2) building permits for each separate tract existing at the effective date of this ordinance shall be issued unless the tract has been platted in accordance with this ordinance; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by the Zoning Ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

9.6. AMENDMENTS.

Any provisions of these regulations may be changed and amended from time to time by the City Council; provided, however, that such amendments shall first be submitted to the Planning

Commission for review and study. The Commission shall report within thirty (30) days after which the City Council shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least once, not less than four (4) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

9.7. VALIDITY.

Should any section, provision or part of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof, other than the part so declared to be invalid or unconstitutional.

9.8. REPEALER.

Effective on the effective date of this ordinance, the previous subdivision regulations ordinance (Ordinance 3-98; the 1998 Spirit Lake Subdivision Ordinance) and amendments thereto are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

No final plat of land within the force and effect of the Zoning Ordinance shall be approved unless it conforms to this ordinance. 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 ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive applies.

ARTICLE X
Effective Date

10.1. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

Passed and approved this _____ day of _____, 2010.

Mayor, City of Spirit Lake

Attest:

Spirit Lake City Clerk

I hereby certify that the foregoing was published as Ordinance No. _____ in the City of Spirit Lake, Iowa on the _____ day of _____, 2010.

Attachment A

PRELIMINARY PLAT CHECKLIST FOR SUBDIVISIONS

	Preliminary Plat Pre-Application Conference with City officials. Date held: _____
	<p>Concept Plan</p> <p>_____ Location of subdivision</p> <p>_____ Vicinity map</p> <p>_____ Street and block layout</p> <p>_____ Drainage courses</p> <p>_____ Proposed land uses</p>
	<p>Date of Filing of Preliminary Plat with the City: _____</p> <p>60 Day Planning Commission action time limit: _____</p> <p>60 Day Time Limit for City Council Further Study and Action: _____</p>
	10 copies of Preliminary Plat, containing or accompanied by:
	1. Title, scale, north arrow, date and official legal description of property being platted
	2. Name of subdivision
	3. Names and addresses of the recorded owner, developer and person preparing the plat.
	4. Key Map at a legible scale showing the general location in relation to surrounding developments.
	5. Names and locations of adjacent subdivisions and names of owners of adjoining parcels of land.
	6. Location of all existing or proposed buildings, railroads, underground utilities, and other rights-of-way
	7. Show contour lines at intervals of not more than two (2) feet
	8. Boundaries of the proposed subdivision, showing dimensions, bearing, angles and references to section, townships and range lines or corners.
	9. Location, names and widths of all existing and proposed roads, alleys, streets and highways and their right-of-ways.
	10. Proposed layout of lots, showing lot numbers, dimensions, setback lines, and square feet.
	11. Parcels of land proposed to be dedicated for public use such as schools, parks, or other public uses
	12. Present or proposed easements showing location, width, purpose and limitations
	13. Present or proposed utility systems or services with the location and size or capacity of water, sewer and storm sewers and other water control or drainage structures.
	14. Existing and proposed zoning classifications of the land
	15. A statement indicating the plat was prepared by a registered land surveyor of the State of Iowa or under the direct supervision of a registered surveyor, with the surveyor's registration number or seal
	16. Any other pertinent information as deemed necessary and requested by the Planning Commission or City Council
	17. Areas dedicated for public use meeting the minimum 5% dedication requirement
	18. The required platting fee
	19. Accompanying material as identified in Section 4.3 of the Spirit Lake Subdivision Ordinance

Attachment B

FINAL OR MINOR PLAT CHECKLIST FOR SUBDIVISIONS

	Preliminary Plat Approval, if not a Minor Plat Date: _____
	Date of Filing of Preliminary Plat, if not a Minor Plat: _____ 60 Day Planning commission action time limit: _____ 60 Day Time limit for City Council Further Study and Action _____
	10 copies of Final or Minor Plat, containing:
	1. Scale used shall be clearly stated, and graphically illustrated by a bar scale drawn on every sheet showing any portion of the land subdivided. Larger subdivisions that require more than one sheet shall show match lines and references.
	2. Title or name of the subdivision under which it is to be recorded.
	3. Name and address of the owner and fee title to the real estate contained within the subdivision.
	4. A scale, north arrow and date on each sheet.
	5. Location, type, materials and size or all monuments and markers including all official benchmarks.
	6. Accurate metes and bounds description of the boundary.
	7. All adjoining properties and/or subdivisions shall be identified and named.
	8. Lot numbers and dimensions.
	9. Accurate dimensions for any property to be dedicated or reserved for public use.
	10. Accurate locations of all existing and recorded streets. Street names and clear designations of public alleys.
	11. Location and descriptions of easements for utilities and any limitations on such easements.
	12. Any protective covenants or restrictions to be imposed upon the plat.
	13. Accurate boundary lines with dimensions and angles which provide a survey of the tract.
	14. A statement indicating the plat was prepared by a registered land surveyor of the State of Iowa or under the direct supervision of a registered surveyor, with the surveyor's registration number or seal
	15. Include all of the required Final Plat Attachments as identified in Section 5.3 of the Spirit Lake Subdivision Ordinance, of which shall include: <ul style="list-style-type: none"> • Correct legal description or metes and bounds description of the subdivided land • Abstract of Title • Attorney's Opinion • Certificate of Dedication • County Treasurer Certificate • County Recorder Certificate • Court Certificate • Drainage Plans • Satisfactory Improvements • Resolution Accepting Improvements
	16. The required platting fee.
	17. Performance bond if improvements are incomplete, or other performance guarantee acceptable to City Council