



Families Come First in

IOWA Sheldon

SUBDIVISION REGULATIONS ORDINANCE



2010



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**SUBDIVISION REGULATIONS ORDINANCE
FOR THE INCORPORATED CITY OF SHELDON, IOWA**

AN ORDINANCE providing rules and regulations for the subdivision of land in the City of Sheldon, Iowa, 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 city's comprehensive land use plan.

WHEREAS, The City Council of Sheldon, 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 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 SHELDON, IOWA:

ARTICLE I BASIC PROVISIONS

Section 1. SHORT TITLE.

This ordinance may be known and cited as the "Sheldon Subdivision Regulations"

Section 2. PURPOSE.

The subdivision regulations set forth in this ordinance are intended to provide for harmonious development of the city. It is deemed essential to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivision of land, so that existing land uses and developments will be protected and so that adequate provisions are made for public facilities and utilities, and so growth occurs in an orderly manner consistent with the comprehensive plan, and to promote and improve the public health, safety, and general welfare of the citizens of the City of Sheldon. Furthermore, subdivision standards will be enforced to ensure conformance with the capital improvement program of the city and its planning area; and to secure equitable handling of all subdivision plats by providing uniform procedures for observance by subdividers, the Planning Commission and City Council.

Section 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.

Section 4. JURISDICTION.

In accordance with the provisions of Chapter 354 of the Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Sheldon, Iowa, governing the subdivisions of all lands within the legal boundaries of the city, as the same may be amended by subsequent annexation, and in accordance with Section 354.9 of the Code of Iowa, including all land lying within one (1) mile of the corporate limits of the city and not located in any other municipality;

Section 5. APPLICATION.

The provisions of this chapter apply to every owner of any tract or parcel of land which has been subdivided or any owner who shall hereafter subdivide or plat land into more than two (2) parts, for the purposes of laying out an addition, subdivision, building lot, or lots, acreages or suburban lots, and containing the information hereinafter set out before selling any lot or lots therein contained or placing the plat on any public record.

Section 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.

Section 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.

Section 8. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within the City of Sheldon, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the O'Brien 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 Sheldon will make recommendation to the O'Brien County Planning and Zoning Commission that no subdivision plat, resubdivision plat or street dedication located within one (1) mile of the corporate limits of Sheldon be filed for records with the O'Brien County Recorder until the Sheldon 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 Sheldon, Iowa, it shall be the duty of the subdivider to immediately file such plat with the O'Brien 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 such thirty (30) days.

Section 9. ACREAGE SUBDIVISIONS.

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

Section 10. 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.

Section 11. PLATS OUTSIDE OF THE CORPORATE LIMITS.

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 one (1) mile 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. Procedure for review of the preliminary and final plats of land within one (1) mile of the corporate limits of Sheldon shall be the same as set out in Section 2 of Article IV and Section 1 of Article V, except for those properties located within Sioux County. The City shall submit to the Sioux County Planning and Zoning Commission the city's recommendations to approve, revise, or reject the proposed county subdivision. The Sheldon Planning Commission shall submit its recommendations within thirty (30) days after the referrals of the plat from the County Engineer or the County Planning and Zoning Commission, or the city's recommendation shall be deemed as approval of the proposed county subdivision.

In the case of an extraterritorial subdivision that is annexed into the corporate boundaries of the city, 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.

ARTICLE II DEFINITIONS

Section 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, and the word “may” is permissive.

- 1.1 “*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 through traffic.
- 1.2 “*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.
- 1.3 “*Alley*” – Shall mean a public right-of-way dedicated to vehicular traffic, other than a street, being twenty (20) feet or more in width, but not greater than fifty (50) feet in width, and affording secondary means of access to abutting property.
- 1.4 “*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.
- 1.5 “*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 the exterior boundaries of the subdivision.
- 1.6 “*Building Setback Line*” – is the line indicating the minimum horizontal distance permitted between a building or structure and a street right-of-way line. Such line shall be shown on all lots intended for residential uses, and on commercial and industrial lots when required by ordinance. Where the subdivided area is not under zoning control, the Planning Commission shall require building lines in accordance with the needs of each addition.
- 1.7 “*City Engineer*” – Any registered professional engineer designated by the City Council.
- 1.8 “*Commission*” or “*Planning Commission*” – The Sheldon Planning & Zoning Commission.
- 1.9 “*Comprehensive Plan*” – Is the general plan for development of the community adopted and used by the council for the guidance of growth and improvements of the city and its planning area including modifications or refinements which may be applied from time to time.
- 1.10 “*Council*” – The Sheldon City Council.
- 1.11 “*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 residential developments and streets for circulation within such a development.

- 1.12 “*Cul-de-sac*” – A short minor street having one end open to vehicular traffic and the other end being permanently terminated by a vehicular turnaround.
- 1.13 “*Develop*” – To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.
- 1.14 “*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.
- 1.15 “*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 certain 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 that interfere with the use of such easements.
- 1.16 “*Engineer*” – A registered professional engineer authorized to practice civil engineering and surveying, as defined by the registration act of the State of Iowa.
- 1.17 “*Frontage*” – The property measured along the street right-of-way line upon which a lot abuts.
- 1.18 “*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.
- 1.19 “*Highway*” – A major street which carries a large volume of traffic (usually state/federal routes).
- 1.20 “*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.
- 1.21 “*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.
- 1.22 “*Lot, comer*” – A lot at the junction of and fronting on two or more intersecting streets.
- 1.23 “*Lot of record*” – A lot which is a part of a plat, a map of which has been recorded in the office of the Register of Deeds of the County.
- 1.24 “*Lot, through*” – A lot other than a comer lot having frontage on two parallel or approximately parallel streets.
- 1.25 “*Major thoroughfare*” – A street used primarily for fast, large volume traffic.
- 1.26 “*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.

- 1.27 “*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.
- 1.28 “*Minor street*” – A street used primarily to access abutting properties.
- 1.29 “*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.
- 1.30 “*Parcel*” – A part or tract of land.
- 1.31 “*Performance Bond*” – A surety bond, cash deposit or an approved letter of credit made out to the city in an amount equal to the full cost of the improvements which are required by this ordinance, said cost being estimated by the city engineer, and said surety bond, cash deposit or letter of credit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.
- 1.32 “*Planning Area*” - The incorporated City of Sheldon and a one-mile area surrounding in O'Brien and Sioux Counties in all directions.
- 1.33 “*Plat*” –A map, drawing or chart on which the developer's or subdivider’s plan of the subdivision is presented for approval and which the developer intends to be recorded in final form.
- 1.34 “*Plat, Final*” – A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording.
- 1.35 “*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.
- 1.36 “*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.
- 1.37 “*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.
- 1.38 “*Right-of-way*” –The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
- 1.39 “*Roadway*” – That portion of the improved street intended for vehicular traffic.
- 1.40 “*Street*” – Is 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.

- 1.41 “*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.
- 1.42 “*Street, Dead End*” – A short street having one end open to vehicular traffic and the other end terminated but not with a vehicular turnaround.
- 1.43 “*Street, Local*” – A street which is used primarily for access to abutting properties.
- 1.44 “*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.
- 1.45 “*Subdivider*” – Any person undertaking the subdivision or resubdivision of a tract or parcel of land for the purpose of laying out a platted addition or subdivision of land.
- 1.46 “*Subdivision*” – The division of any parcel or tract of land, by either repeated divisions or simultaneous division, 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. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land; or, if a new street is involved, any division of land; and as further defined in Chapter 354, Code of Iowa.
- 1.47 “*Subdivision, Major*” - Any subdivision other than a minor subdivision.
- 1.48 “*Subdivision, Minor*” – 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.
- 1.49 “*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.
- 1.50 “*Surveyor*” – A registered land surveyor, who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa, authorized to practice surveying as defined by the registration act of the State of Iowa.
- 1.51 “*Tract*” – Means an aliquot part of a section, a lot within an official plat, or a government lot.
- 1.52 “*Utilities*” – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, and telecommunications.

ARTICLE III

MINOR SUBDIVISION PROCEDURES AND REQUIREMENTS

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 10. Minor platting procedures are as follows:

Section 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 2 and 3 of Article V, or as may be specified by the Code of Iowa or the Zoning Administrator.

Section 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, Building Inspector, 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:

- 2.1 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.
- 2.2 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 Sheldon, O’Brien County, and State of Iowa standards, and that the proposed or existing system of public improvements complies with applicable Sheldon, O’Brien County, and State of Iowa standards.
- 2.3 Other agencies or persons shall inform the City Clerk on factors deemed appropriate and necessary.

Section 3. PROCEDURES FOR MINOR SUBDIVISION.

- 3.1 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.
- 3.2 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.

- 3.3 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.
- 3.4 This section shall not be applicable to a parcel of land of any size which has previously had a subdivision severed from it. For definition purposes of this section only, a parcel of land shall mean any sized contiguous piece of property under same ownership as shown on the O'Brien or Sioux County Auditor's plat books as on the effective date of this ordinance.

ARTICLE IV

PRELIMINARY PLAT PROCEDURES & REQUIREMENTS

(Major Subdivision)

Section 1. PRE-APPLICATION.

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

Section 2. PROCEDURE FOR PRELIMINARY PLAT APPROVAL.

In obtaining approval of a proposed subdivision and/or development by the Planning Commission and City Council, the subdivider shall submit a preliminary plat in accordance with the requirements hereinafter set forth and install required improvements thereon.

- 2.1 The subdivider shall first prepare and file with the city, three (3) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance, and upon filing, the zoning administrator shall forthwith refer one (1) copy of the preliminary plat to the City Engineer and two (2) copies to the commission.
- 2.2 The City Engineer shall carefully examine the preliminary plat as to its compliance with the laws and ordinances of the city, the existing street system and good engineering practices, and shall, as soon as possible, submit the findings to the Planning Commission.
- 2.3 The commission, After receiving the City Engineer's report and following review of the preliminary plat and other material submitted for conformity thereof to these regulations, may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The commission shall, approve or reject the preliminary plat as originally submitted or modified within forty-five (45) days after the date the commission reviews the preliminary plat. If the commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved, provided however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days.
- 2.4 If approved, the Planning Commission shall express its approval. If disapproved, the Planning Commission shall express its disapproval and its reasons therefore. The action of the Planning Commission shall be forwarded to City Council.
- 2.5 The City Council, upon receipt of the commission's recommendation, 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 council shall advise the owner or developer of any changes that are desired or should have consideration before approval will be given. Approval of the preliminary plat by the council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.
- 2.6 The City Council and the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats as submitted

- 2.7 Upon approval of the preliminary plat by 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.

Section 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 commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or his representative, may call at 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:

- 3.1 **GENERAL.** Title, scale, north point, date and official legal description of the property being platted. The scale of the preliminary plat shall not be more than one hundred (100) feet to one (1) inch (100' = 1"). A scale of other than one hundred (100) feet to one (1) inch may be used if prior approval is obtained from the commission. The sheet size shall not exceed twenty-four inches by thirty-six inches (24"x 36"). 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. The subdivider shall prepare and file with the zoning administrator three copies of a preliminary plat.
- 3.2 **NAME.** Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the City of Sheldon.
- 3.3 **OWNER.** The name and address of the owner and the name, address, and profession of the person preparing the plan.
- 3.4 **KEY MAP.** A key map showing the general location of the proposed subdivision in relation to surrounding developments.
- 3.5 **NEIGHBORS.** The names and locations of adjacent subdivisions and the names of owners and location of adjoining parcels of unplatted land. A list of all owners of record of property and residents located within two hundred (200) feet of the subdivision boundary shall be attached. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- 3.6 **BOUNDARIES.** Boundary lines, showing dimensions, bearing, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
- 3.7 **CONTOUR.** Show contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, upon request of the zoning administrator or Planning Commission.

- 3.8 STREETS. Present and/or proposed names and locations of highways, streets, alleys and sidewalks, with their rights-of-way, dedicated widths, types and widths of surfaces and curbs.
- 3.9 LOTS. Present and/or proposed layout of lots, showing the numbers, dimensions, building setback lines, radii, chords and the square feet area of lots that are irregular shaped.
- 3.10 PUBLIC USE. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes, or shown for such purpose in the comprehensive plan or other adopted plans.
- 3.11 EASEMENTS. Present and/or proposed easements, showing location, widths, purposes and limitations.
- 3.12 UTILITIES. Present and/or proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, street lighting and telecommunication utilities, and other facilities with the size, capacity and location of each.
- 3.13 ZONING. Existing and proposed zoning classifications of the site and adjoining property.
- 3.14 FEE. The platting fee, as required by this ordinance.
- 3.15 Any other pertinent information, as necessary.
- 3.16 ACCOMPANYING MATERIAL
 - a. 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.
 - b. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
 - c. Written statement by the appropriate officials of the availability of gas and electricity to the proposed subdivision.
 - d. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements required by this ordinance. Such statement shall acknowledge required inspections and approvals by the City Council.

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

ARTICLE V

FINAL PLAT PROCEDURES & REQUIREMENTS

(Minor & Major Subdivision)

Section 1. PROCEDURE FOR 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 requirements herein set forth and install required improvements thereon.

- 1.1 The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided however that such portion conforms to all requirements of this ordinance. The approval of the preliminary plat by the council shall be null and void unless the final plat is presented to the City Council within twelve (12) months after the date of approval of said preliminary plat unless a time extension is applied for and granted by the Planning Commission.
- 1.2 Before submitting the final plat to the Planning Commission for approval, the subdivider shall furnish to the city all plans and information, including three (3) copies of the final plat conforming in detail to the requirements set forth in this ordinance. The final plat submitted to the Planning Commission shall contain the names and addresses of persons within 200 feet of the proposed subdivision to who notice of hearing will be sent. No plat shall be considered by the Planning Commission 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.
- 1.3 The Planning Commission shall then consider the final plat according to the procedures set out for preliminary plats in Article IV, Section 2. If the final plat is approved, the Planning Commission shall forward its recommendation of approval to the City Council, together with a certified copy of their resolution showing action of the Planning Commission.
- 1.4 The City Council, within sixty (60) days after receiving the final plat from the Planning Commission, shall determine whether the subdivision conforms to the comprehensive plan and shall give consideration to the possible burden of public improvements and to a balance of interest between the proprietor, future purchasers, the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with the approval of the subdivision. If the final plat is found acceptable and in accordance with this ordinance, the City Council shall accept the same. If said plat is disapproved by the City Council, such disapproval shall be expressed in writing and point out the objections to the plat as filed.
- 1.5 The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The subdivider or owner shall cause such plat and a certified resolution to be recorded in the office of the County Recorder of O'Brien County, Iowa, as provided in Chapter 354, Code of Iowa, and amendatory acts

thereto and shall file satisfactory evidence of such recording in office of the City Clerk before the city shall recognize the plat as being in full force and effect.

- 1.6 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.

Section 2. REQUIREMENTS OF FINAL PLAT.

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 in Section 1 above. The final plat shall be clearly marked "final plat" and shall show the following:

- 2.1 GENERAL. The final plat shall be drawn at a scale of not more than forty (40') feet to one (1") inch (40' = 1"). A scale other than forty (40') feet to one (1") inch may be used if prior approval is obtained from the Planning Commission. The sheet size shall not exceed twenty-four by thirty-six inches (24"x36") or smaller than eight and one-half inches by eleven inches (8½"x11") and shall be of a size acceptable to the 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.
- 2.2 TITLE OF SUBDIVISION. The title or name under which the subdivision is to be recorded,
- 2.3 OWNER. The name and address of the owner of the fee title to the real estate contained within the subdivision, and the name, address, and profession of the person preparing the plan.
- 2.4 SCALE. A scale, a graphic bar scale, north arrow, and date on each sheet.
- 2.5 BENCHMARKS AND SURVEY MONUMENTS. Location, type, materials and size of all monuments and markers including all United States, Iowa, County or other official benchmarks, as required by Chapter 114A, Code of Iowa.
- 2.6 SURVEY DATA. 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, curve notes for all curves includes in the plat, and other survey data, as required by Chapter 114A, Code of Iowa.
- 2.7 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.

- 2.8 **BLOCK AND LOT NUMBERS.** Lot numbers and dimensions.
- 2.9 **STREETS.** 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 plan or by council's direction. Street right-of-way lines with accurate dimensions in feet and hundredths of feet. Plan and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc. to be placed under the streets and alleys. Profiles of 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.
- 2.10 **PUBLIC LAND.** Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- 2.11 **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.
- 2.12 **ERROR.** The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1 foot in ten thousand (10,000) feet and shall be 1 foot in five thousand (5,000) feet for any individual lot. Accurate boundary lines, with dimensions to the nearest one-hundredth foot and angles, which provide a survey of the tract.
- 2.13 **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.

Section 3. FINAL PLAT ATTACHMENTS.

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

- 3.1 **DESCRIPTION.** A correct legal description or metes and bounds description of the subdivided land.
- 3.2 **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.
- 3.3 **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

and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.

- 3.4 COUNTY TREASURER CERTIFICATE. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes. Certificate to be signed at time of plat recording.
- 3.5 COUNTY RECORDER CERTIFICATE. A certificate from the County Recorder that the title is free from all encumbrances other than those secured by an encumbrance bond. Certificate to be signed at time of plat recording.
- 3.6 COURT CERTIFICATE. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, or mechanics or other liens of record. Certificate to be signed at time of plat recording.
- 3.7 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.
- 3.8 DRAINAGE PLANS. Drainage plans for the removal of storm water shall require that storm water drainage can not exceed pre-development flow rates. 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. No obstruction shall be permitted in natural water courses, unless such obstruction meets with the approval of the council.
- 3.9 ENGINEER'S CERTIFICATE OF SATISFACTORY IMPROVEMENTS. An engineer's certificate submitted on behalf of the owner or developer stating that all required improvements required by this ordinance have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans 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 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.
- 3.10 RESOLUTION ACCEPTING IMPROVEMENTS. Where improvements have been installed, the City Council may by resolution accept streets, easements, other public lands, sanitary sewerage facilities and other improvements after receipt of a written notice of a satisfactory final inspection and the posting of a maintenance guarantee by the subdivider.
- 3.11 FEE. The applicable fee, if any.

ARTICLE VI DESIGN STANDARDS

Section 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.

Section 2. STREETS.

- 2.1 All proposed plats and subdivisions shall conform to the Sheldon Comprehensive Plan, and shall also conform to 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.
- 2.2 If any overall plan has been made by the Planning Commission for the neighborhood in which the proposed subdivision is located, the street system of the subdivision shall conform in general with the overall plan or street plan.
- 2.3 The arrangement of 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.
- 2.4 Off-center street intersections will not be approved except in unusual cases.
- 2.5 Where the plat submitted covers only a part of the developer's plat, the Planning Commission may require a sketch of the prospective future street system in which the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.
- 2.6 Subdivisions showing unplatted reserve strips or private streets controlling access to public ways are prohibited, except where control of such strips is placed with the city.
- 2.7 Street intersections shall be laid out so as to intersect as nearly as possible at right angles and no intersection shall be at an angle less than sixty degrees (60°). The intersection right-of-way lines at all streets intersections shall be rounded by a minimum radius of twenty (20) feet, unless a greater radius is required by the City Council. Detailed designs of intersections may be required.

- 2.8 Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than six hundred (600) feet. 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 (130) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty (60) feet. 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 (150) feet; or equal straight approach lines.
- 2.9 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 (200) feet.
- 2.10 All newly platted streets shall be named in a manner conforming to the prevailing street naming system. 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 proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the City Council.
- 2.11 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 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.
- 2.12 Streets and alleys shall be completed to grades that have been officially determined or approved by the City Council. 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. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the city.
- 2.13 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.
- 2.14 Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, it shall not be less than thirty (30) feet in width and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated.
- 2.15 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.
- 2.16 A deed to the city shall be given for all streets before the same will be accepted for city maintenance.
- 2.17 Minimum rights-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, and in accordance with the street widths as defined by the City of Sheldon along with input from the City Engineer.
- 2.18 Other Considerations.
- a) The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - b) Street jogs with centerline offsets of less than 150 feet shall be avoided.
 - c) No dead-end streets or alleys will be permitted except at subdivision boundaries or unless such streets are provided to connect with future streets in adjacent land and are dedicated to the city.
 - 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.

Section 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.

- 3.1 Alleys shall be provided in commercial and industrial districts, except that the 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.
- 3.2 The minimum right-of-way width of any alley shall be twenty (20) feet. A ten-foot cutoff shall be made at all acute and right angle alley intersections.
- 3.3 Dead end alleys shall be prohibited.

Section 4. EASEMENTS.

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

- 4.2 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.
- 4.3 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 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 (4) feet from the wires or poles, together with the right to extend to any telephone, telecommunications, electric or power company, the right to use separately or jointly with the city, areas included in the easement for the purposes stated above.
- 4.4 Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at their own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall 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 future drainage purposes or installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of twenty (20) feet on each side plus stream design width and a total width adequate to provide any necessary channel straightening or relocation.

Section 5. BLOCKS.

- 5.1 No block may be more than one thousand two hundred (1,200) feet or less than three hundred (300) feet in length between the centerline of intersecting streets, except as the City Council considers necessary to secure efficient use of land or to achieve desired features of the street system.
- 5.2 At street intersections, block corners shall be rounded with a radius of not less than twenty (20) feet; unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.
- 5.3 In blocks over seven hundred (700) feet in length, the city may require at or near the middle of the block a public way or easement of not less than twenty (20) feet, nor more than forty-five (45) feet in width for use as an easement for public utilities.
- 5.4 Residential blocks shall be deep enough to provide two (2) tiers of lots of at least minimum depth, except where prevented by topographical conditions or size of the property, in which case the Planning Commission may recommend a single tier of lots of at least minimum depth to the City Council.

Section 6. LOTS.

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

- 6.1 Minimum lot dimensions and sizes shall conform to the zoning ordinance, unless the City Council, for special reasons including absence of utilities, approves otherwise.
- 6.2 No lot shall be more than four (4) times as deep as it is wide, nor shall any lot average less than one hundred (100) feet deep.
- 6.3 Each lot within a subdivision shall front on a publicly dedicated street.
- 6.4 Each lot shall be provided with no less than seventy (70) feet of frontage to a street.
- 6.5 Corner lots shall be not less than twenty (20) feet greater in width than the minimum required interior lot width, so as to permit adequate building setbacks on both front and side streets.
- 6.7 Double frontage or through lots, other than corner lots, shall be avoided except where it is 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 along with building setback lines established on both frontages, and no access will be allowed from the rear yard street.
- 6.8 Building setback lines shall be shown on all lots intended for residential, commercial and industrial uses. Such building lines shall not be less than the requirements of the applicable district in the zoning ordinance.

Section 7. PLAT MARKERS OR MONUMENTS.

- 7.1 Permanent plat markers or monuments shall be placed at all boundary and block corners, angle points, points of curves in streets, lot corners and all such intermediate points with a metal pin or pipe monuments three-fourths ($\frac{3}{4}$ ") inch in diameter and twenty-four (24) inches long or suitable concrete markers shall be driven flush with the finished grade as plat markers.
- 7.2 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.
- 7.3 Developer shall provide the city with GPS (Global Positioning System) coordinates on all permanent plat or monument markers.

ARTICLE VII GENERAL IMPROVEMENTS

Section 1. FIRE HYDRANTS.

Fire hydrants shall be placed so that no lot in a residential subdivision is more than three hundred (300) feet from a fire hydrant, the distance to be measured along street lines, provided water mains are available. The City Council may require special spacing in commercial and industrial districts.

Section 2. 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 Sheldon Zoning Ordinance. A screen planting, extending the width of the property and not less than ten (10) feet in width, prohibiting vehicular access may be required at the rear of all double frontage lots and along expressways, freeways and major streets. A planting plan of shrubs and trees for such screen planting shall be submitted for approval with the plat.

Section 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.

- 3.1 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.
- 3.2 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 Sheldon Zoning Ordinance or any other specific Flood Plain Ordinance of the city
- 3.3 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.

Section 4. ADDITIONAL IMPROVEMENTS AND INSPECTION.

- 4.1 The City Council may require the installation of recommended improvements other than those set out in this section, constructed in accordance with standards and specifications as approved and adopted by each group. All other related subdivision improvements shall also be constructed in accordance with the standards and specifications of the State of Iowa, where applicable.
- 4.2 Inspection shall be required for sanitary sewer systems, storm sewers, curbs, gutters, subgrade, pavement and sidewalks and other improvements as required. The City Council shall designate an appropriate official to be responsible for the inspections. The subdivider shall notify the designated inspector one week prior to the start of the construction, and upon completion of the improvements the subdivider shall notify the inspector in writing.
- 4.3 The subdivider shall be responsible for the installation and construction of all improvements required by this ordinance, and shall warrant the design, material and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after completion. Such warrant shall be by bond or other acceptable collateral; shall be subject to review by the city attorney; 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, contributed to, etc., such defective improvements.
- 4.4 Before the City Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the council. Before passage of said resolution of acceptance, the zoning administrator and/or City Engineer shall report that said improvements meet city specifications and ordinances or other requirements and agreements between the subdivider and the city.

Section 5. GUARANTEE.

The subdivider shall post one of the following guarantees identified below with the City of Sheldon, ensuring said improvements will be constructed within a period of two (2) years from final acceptance of the plat; 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 Sheldon.

- 5.1 **Performance Bond.** The subdivider shall post with the City Council a bond equal to the council's approved estimate of the cost of construction, in favor of the City Council, guaranteeing satisfactory completion of all improvements whether within the city or planning area, in a period not exceeding two (2) years 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 Sheldon 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.

5.2 **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.

5.3 **Special Assessments.** In the case of partially dedicated streets, streets not wholly within the proposed subdivision or streets where other adjacent properly owners are involved, the subdivider may petition the City Council to have the necessary improvements constructed and assessments levied against the property.

The council may waive the requirements 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.

Section 6. ACCEPTANCE AND MAINTENANCE.

Upon completion of all improvements required, and upon submission of satisfactory proof to the 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 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:

- a. All hard surfaced streets, including curbs and gutters if installed
- b. Alleys and alley approaches.
- c. All water mains, associated valves, and fire hydrants.
- d. That portion of a customer's water service line from the main "T" to the curb stop located on the customer's property line.
- e. Sewer mains, manholes and lift stations, but not including any portion of a service line.
- f. 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.

Section 7. 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.

ARTICLE VIII STREET & UTILITY IMPROVEMENTS

Section 1. UNAPPROVED STREETS.

The city shall not accept, layout, open, improve, grade, pave, curb or light any street or lay or authorize water mains or sewers or connections to be laid in any street within any portion of the planning areas unless such street shall have been accepted or opened as or shall otherwise have received the legal status of a public street, unless such street corresponds with a street shown on the comprehensive plan or with a street on a subdivision plat approved by the City Council or otherwise acceptable to the board of supervisors. However, the City Council may accept any street not shown on or not corresponding with a street on the comprehensive plan or on any approved subdivision plat or an approved street plat, provided the ordinance or other measure accepting such street is first submitted to the city or county for its acceptance and ultimate responsibility for maintenance according to subsequent capital improvements programs.

Section 2. APPROVED STREETS.

All plans, specifications, installation and construction required by this ordinance 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.

- 2.1 **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 Planning Commission. All streets shall be a minimum of thirty (30) feet of paved surface, unless otherwise allowed by City Council.
- 2.2 **CURB AND GUTTER.** Curb and gutter shall be constructed on streets proposed to be hard surfaced and as determined to be in the best interest of the city or required by City Council upon recommendation of the Planning Commission. Curb and gutter, if installed, shall be constructed of portland cement concrete to the grade, designs and specifications as approved by the City Council.
- 2.3 **SIDEWALKS.** Sidewalks shall be provided where considered desirable by the City Council for protection of the public. Sidewalks shall be constructed according to the sidewalk standards as set forth in the Sheldon City Code of Ordinances, Section 136.08, or have a sidewalk agreement approved by the Zoning Administrator.
- 2.4 **STREET SIGNS.** The developer shall provide the subdivision with acceptable street signs at the intersection of all streets.
- 2.5 **STREET PAVING.** Roadway surfacing widths shall be in conformance with the standards established in the comprehensive plan and street plan, subject to approval by the City Council, with the minimum specifications as follows:

Classification	Pavement Width (min. feet)	Pavement Type (minimum)
Major street or Highway Two directional	44	Concrete or Asphalt
Secondary Highway	24	Compacted Gravel
Collector Street	36	Bituminous
Local Street	26	Compacted Gravel
Pavement widths are subject to State of Iowa standards		

Streets not intended for paving shall have a minimum gravel surface thickness of not less than four (4) inches, as may be required by the City Council. Higher standards for the pavement of streets serving commercial and industrial areas may be required.

Section 3. INFRASTRUCTURE IMPROVEMENTS.

3.1 **WATER LINES.** The subdivider or developer shall connect with existing water mains in accordance with the city and state standards and subject to their supervision. The subdivider shall provide the subdivision with a complete water supply system including 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 standards and design 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 (6) inches. Where oversized mains are required to serve other areas of the watershed, the additional cost shall 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.

Where a public water supply is not available, each lot in a subdivision shall be furnished with an individual water supply system with proper provisions for the maintenance thereof. All lots serviced shall have a minimum area of one-half acre and minimum lot width of one hundred (100) feet. The design of any such system shall be subject to the approval of the State Department of Health, or the county health officer, whichever is applicable.

3.2 **WASTEWATER SEWERS.** The subdivider shall provide the subdivision with 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. 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 shall be borne by the city or assessed on an area basis to the properties served.

Where a public sanitary sewer is not accessible, each lot in a subdivision shall be serviced by either a disposal plant system or a septic tank with proper provisions for the maintenance

thereof. Any lot so serviced shall have a minimum area of one-half acre and minimum lot width of one hundred (100) feet. The design of either system shall be subject to the approval of the State Department of Health, or county health officer, whichever is applicable.

- 3.3 **STORM WATER DRAINAGE.** Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the City Council.
- a. The subdivider shall 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.
 - b. Where oversized storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost shall be borne by the city or assessed on an area basis to the properties served.
 - c. Where a natural water course intersects a street or bridge, a culvert shall be installed for the full width of the right-of-way and shall be constructed in accordance with the standards and specifications adopted by the City Council.
 - d. Driveway culverts shall be installed on major, collector and local streets, shall have a minimum length of twenty (20) feet and shall be constructed in accordance with the standards and specifications adopted by the City Council.
 - e. Whenever drainage ditches are used they shall retain natural topographic characteristics and be so designed that they do not present a hazard to health, safety, life or property.
 - f. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot.
 - g. No lot shall be platted to obstruct the natural water flow.
 - h. Storm water drainage shall not exceed pre-development flow rates.

Section 4. ADDITIONAL UTILITY IMPROVEMENTS.

The City Council may require that all utility lines except electric lines of nominal voltage in excess of 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 easements provided in the rear of the lots, if reasonably possible. In the City Council's 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. After grading is completed and approved and before any pavement base is applied all of the in-street underground work shall be completely installed and approved. All additional utilities to be installed in a street shall be located in the grass between the curb line and the street right-of-way line. Connections between the lots and the utility lines shall be made without breaking into the wearing surface of the streets, if possible.

ARTICLE IX PUBLIC SPACE DEDICATIONS

Section 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 Sheldon, Iowa in the subdivision for parks, playgrounds, open space or other public uses such as a school or other public facilities as determined by the City Council of the City of Sheldon, 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 Sheldon, Iowa for the parks, playgrounds, open space or other public use.

Section 2. OTHER PUBLIC SPACE REGULATIONS.

- 2.1 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.
- 2.2 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 O'Brien County or Sioux County assessment rolls. After such time, the subdivider may re-plat such acreage for their own purposes.
- 2.3 Natural features, historic sites, and similar community assets shall be preserved in parks and open spaces within the subdivision.

ARTICLE X

ADMINISTRATION, ENFORCEMENT, AND AMENDMENT

Section 1. FEES ESTABLISHED.

The council shall, from time to time establish, by resolution, fees for review of plats. No plat for any subdivision or resubdivision shall be considered filed with the City Clerk; unless and until said plat is accompanied by the fee, as established by resolution of the City Council, as required by this ordinance. However, this section shall not be interpreted as precluding reimbursement to the board of supervisors for inspection or other services rendered relative to proposed subdivision outside of the Sheldon corporate city limits, but within the planning area.

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.

Section 2. MODIFICATIONS (VARIANCES).

In the event that it can be demonstrated to the satisfaction of the City Council that strict compliance with the requirements established by the ordinance would result in extraordinary hardship to the subdivider or owner of the property by imposing unreasonable restrictions on development of a tract of land because of unusual topography or other conditions not created by the subdivider, the Planning Commission may recommend and the City Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest served and protected.

It is provided that any specific variance, modification or waiver granted under this provision shall in no way adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision, will not have the effect of nullifying the intent and purpose of this chapter and will not interfere with carrying out the comprehensive plan of the planning area. In no case shall any variation or modification be greater than the least variance or modification of the requirements or have the effect of reducing the traffic capacity of any street that is shown on the major street plan of the planning area or be in conflict with the zoning ordinance and map. In granting variances and modifications, the council may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified. Such variance and waivers may be granted only by the affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the council.

Section 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:

- 3.1 No plat or subdivision of land in the City of Sheldon or 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 complies with the provisions of this ordinance and has been approved, in writing on the plat, by the City Council as prescribed herein.

- 3.2 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.
- 3.3 No public improvements over which the 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.
- 3.4 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.

Section 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 more than five hundred dollars (\$500.00) each 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.

Section 5. AMENDMENTS.

Any provisions of these regulations may be changed, amended, supplemented, modified or repealed 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 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.

Section 6. 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.

Section 7. 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)

Section 8. REPEALER.

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.

Section 9. ADOPTION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELDON

Passed and approved this 3rd day of March, 2010.

Katricia Rider
Mayor, City of Sheldon

Arlene Budden
Sheldon City Clerk

I hereby certify that the foregoing was published as Ordinance No. 10-3196 in the City of Sheldon, Iowa on the 31st day of March, 2010.