

CHAPTER 3 SUBDIVISIONS

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5-3-1 SHORT TITLE. This Ordinance shall be known as and may be cited as the “Subdivision Ordinance of the City of Maquoketa, Iowa.”

5-3-2 PURPOSE. The purpose of this Ordinance is to provide minimum standards for the design, development and improvements for all new subdivisions and re-subdivisions of land; to protect existing land uses; to provide for the regulation and control of the extension of public improvements, public services, and utilities; to insure that growth occurs in an orderly manner, consistent with the City’s Comprehensive Plan as amended; and to promote the public health, safety and general welfare of the citizens of Maquoketa, Iowa; all as authorized by Iowa Code Chapter 354, including the purposes set forth in said Chapter.

5-3-3 APPLICATION. This Ordinance shall apply to all subdivisions or re-subdivisions which occur on or after the date of publication of this Ordinance. Any subdivisions or re-subdivisions which occur prior to that date are governed by the previous “Subdivision Regulations” of the City of Maquoketa, Iowa.

5-3-4 APPROVALS.

1. Any proposed subdivision or re-subdivision of land as defined in this Ordinance, lying within the city limits of the City of Maquoketa or lying within two (2) miles of the city limits of the City of Maquoketa, shall be subject to the provisions of this Ordinance. No proposed subdivision plats, whether preliminary or final, shall be recorded as provided in Iowa Code Chapter 354 until all provisions of Iowa Code Chapters 354 and 355 as amended, and this Ordinance, have been complied with.

2. No officer, agent or employee of the City shall take any action to issue any building permit or permit for any water or sewer connection for any building or structure constructed or proposed to be constructed on land subdivided contrary to the provisions of this Ordinance. No officer, agent or employee of the City shall perform or cause to be performed any construction or maintenance upon any area purporting to be a street or public right of way by virtue of being shown on a subdivision plat, and no public funds shall be spent for such improvements, until such plat shall have been approved and recorded as required by this Ordinance.

3. When a preliminary subdivision plat or a final subdivision plat is submitted to the Planning and Zoning Commission or City Council for approval, and the plat is not approved by the Planning and Zoning Commission or City Council, the resolution of disapproval shall state how the subdivision plat is objectionable. The Planning and Zoning Commission and City Council shall consider the factors contained in this Ordinance, the City's Comprehensive Plan, and the factors set forth in Iowa Code §354.8 in considering a subdivision plat for approval. The Planning and Zoning Commission or City Council shall approve or disapprove a subdivision plat within sixty (60) days from the date of application for approval of the plat. The City Council shall not issue final approval of a subdivision plat unless the subdivision plat conforms to Iowa Code §§354.6, 354.11, and 355.8. The applicant for approval shall have the right to appeal set forth in Iowa Code §354.10.

4. If a proposed subdivision lies outside the city limits of the City of Maquoketa but within two (2) miles of said city limits, the developer shall comply in all respects with this ordinance. All required documents shall be submitted to both the City of Maquoketa and either Jackson County or Clinton County as appropriate for approval. The City shall apply the standards of this Ordinance and Iowa Code Chapters 354 and 355 to such plats.

5. The City may enter into a Iowa Code Chapter 28E agreement with Jackson County or Clinton County to establish mutual standards and conditions for review of subdivision plats or plats of survey for division or subdivision in areas of overlapping jurisdiction. In the event such a 28E agreement is adopted, the city shall apply the standards and procedures set forth in the 28E agreement to such plats rather than the provisions of this Ordinance.

6. The city council may waive the right to review a subdivision or waive city standards or conditions for approval of subdivision plats. Such waiver shall be by resolution, which shall be certified and recorded with the subdivision plat. The city council may not waive any requirements for subdivision plats contained in §§354.6, 354.11, and 355.8.

7. The city council shall not issue final approval of a subdivision plat unless the subdivision plat conforms with Iowa Code Chapters 354 and 355 as those Chapters may from time to time be amended.

8. If the subdivision plat and all matters related to final approval conform to the standards and conditions established by this Ordinance and Iowa Code Chapters 354 and 355, the city council shall approve the plat by resolution, which shall be certified and recorded with the plat.

5-3-5 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "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. "Alley" means a minor way, dedicated to public use, which is based primarily for vehicular access to the back or the side of properties which otherwise abut a public street.

3. "Auditor's plat" means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

4. "Block" means the smallest piece or parcel of land entirely surrounded by public highways, streets, streams, parks, or a combination thereof.

5. "Building" means any structure designed, built, or intended for the shelter, enclosure or protection of persons, personal property, vehicles, or animals.

6. "Building Setback Line" means a line within a lot or parcel of land designated on the plat of the proposed subdivision, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building is prohibited.

7. "City" means the City of Maquoketa, Iowa.

8. "City Attorney" means the city attorney of the City of Maquoketa, Iowa.

9. "City Council" means the city council of the City of Maquoketa, Iowa.

10. "City Engineer" means a registered professional engineer authorized by the City to review engineering data outlined in these subdivision regulations.

11. "City Manager" means the city manager of the City of Maquoketa, Iowa, or his designated representative.

12. "Comprehensive Plan" means the plan or series of plans made for the future development of an area within the City of Maquoketa or within two (2) miles of the city limits of the City of Maquoketa.

13. "Conditional Approval" means the approval given to the layout of streets and lots in a subdivision set forth in a preliminary plat which forms the basis for preparation of the final plat.

14. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

15. "Cul-De-Sac" means a minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

16. "Developer" means the owner or agent under legal authority of the owner who undertakes to cause a parcel of land to be designed, constructed and recorded as a subdivision.

17. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this Ordinance.

18. "Easement" means a grant by the property owner to the public, persons, or a corporation or association, of the use of a parcel of land for a specific purpose.

19. "Final Plat" means a subdivision plat with the attachments required by Iowa Code §354.11, submitted for approval by the planning and zoning commission and city council.

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

21. "Floodway" shall mean the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

22. "Forty-acre Aliquot Part" shall mean one-quarter of one-quarter of a section.

23. "Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting one side between an intersecting street and the dead end of the street.

24. "Government Lot" shall mean a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

25. "Grading Plan" means a drawing of a proposed subdivision on a contour or topographic map showing existing and proposed contours at a contour interval of not more than five (5) feet and a scale of not less than one hundred (100) feet to the inch.

26. "Half Street" means a street having a width less than required by these subdivision regulations.

27. "Highway" shall mean a right of way for vehicular traffic which traverses a nonurban area and is usually a state or federal numbered route.

28. "Improvements" mean changes and additions to land necessary to prepare it for building sites; including, but not limited to, street surfacing, curb and gutter, grading, monuments, drainage ways, sanitary sewers, storm sewers, fire hydrants, water mains, sidewalks, pedestrian ways, recreational trails, and other public and private works and appurtenances.

29. "Individual Subsurface Sewage Treatment Facility" means a sewage disposal system designed to function on an individual lot basis.

30. "Iowa Code" means the Code of Iowa as from time to time amended.

31. "Land Remnant" shall mean any portion of a tract of land which cannot be developed after the tract has been subdivided.

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

33. "Maintenance Guarantee" shall mean a surety bond, cash deposit, irrevocable letter of credit, escrow account or certificate of deposit, pledged to the City of Maquoketa in an amount so as to insure that for a period of two (2) years from acceptance date, the developer shall be responsible to maintain improvements dedicated to the public in good repair.

34. "Metes and Bounds Description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

35. "Official plat" shall mean either an auditor's plat or a subdivision plat that meets the requirements of this Ordinance and Iowa law, and has been filed for record in the offices of the recorder, auditor, and assessor.

36. "Parcel" shall mean a part of a tract of land.

37. "Performance Guarantee" means a surety bond, cash deposit, irrevocable letter of credit, escrow account or certificate of deposit, pledged to the City of Maquoketa in an amount equal to the full cost of the improvements which are required by this Ordinance; said cost to be estimated by the City, and said amount being legally sufficient to secure to the City that the said improvements will be constructed in accordance with the requirements of this Ordinance.

38. "Person" means an individual, partnership or other legal entity.

39. "Planning and Zoning Commission" means the Planning and Zoning Commission of the City of Maquoketa, Iowa, as established under the authority of Iowa Code §414.6, also referred to as the "Commission."

40. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

41. "Preliminary Plat" means a plat submitted to the planning and zoning commission for review in accordance with the provisions of this Ordinance.

42. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

43. "Public Improvement" includes the principal structures, works, component parts and accessories of any of the following:

- a. Sanitary, storm and combined sewers;
- b. Drainage conduits, channels and levees;
- c. Street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil, oil and gravel or chloride;
- d. Street lighting fixtures, connections and facilities;
- e. Sewage pumping stations, and disposal and treatment plants;
- f. Underground gas, water, heating, sewer and electrical connections located in streets for private property;
- g. Sidewalks and pedestrian underpasses or overpasses;
- h. Drives and driveway approaches located within the public right of way;
- i. Waterworks, water mains and extensions;
- j. Traffic-control devices, fixtures, connections and facilities.

44. "Re-plat" or "Re-subdivision" means a subdivision of land which has been previously platted or subdivided into lots or parcels of land. It may include all or any part of a previous subdivision or plat.

45. "Reserve Strip" means a narrow parcel of land between a street adjacent to the property line and the adjacent property, the strip being retained in private ownership to prevent access of neighboring property to an improved and dedicated street.

46. "Sketch Plan" means a sketch to designate the scale of a proposed layout or alternate layout of lots, blocks and public ways, for the purpose of facilitating discussions and review between a developer and city officials prior to the filing of a preliminary plat.

47. "Street" means property, dedicated to the public, not an alley, intended for vehicular traffic. It may provide for vehicular and pedestrian access to properties adjacent to it, and may also provide space for the location of utilities, either above or below ground.

48. "Street Pavement Width" means the horizontal distance of the roadway measured from back-of-curb to back-of-curb.

49. "Subdivision" means one of the following:

a. A tract of land divided into two (2) or more lots;

b. A plat establishing or dedicating a street, highway, or alley, regardless of the number of lots created;

c. A re-platting or re-subdividing of a parcel of land previously subdivided; however, the sale or exchange of small parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be considered as a subdivision of land;

d. "Subdivision Plat" means the 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 county where the land is located.

50. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Iowa Code Chapter 542B.

51. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

52. "Utilities" means the systems for the distribution or collection of water, gas, wastewater, stormwater, electricity, and telephone and cable television service.

5-3-6 SUBDIVISIONS CLASSIFIED. A subdivision shall be classified as a simple, minor or major subdivision as set forth in this ordinance.

1. Simple subdivision. Any subdivision in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, where no floodplains or wetlands exist, and which contains fewer than three (3) lots, shall be classified as a "simple subdivision".

2. Minor subdivision. Any subdivision in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, where no floodplains or wetlands exist, and which contains three (3) or more lots, shall be classified as a "minor subdivision".

3. Major subdivision. Any subdivision which is not a simple subdivision or a minor subdivision shall be classified as a "major subdivision".

5-3-7 STAFF REVIEW OF SIMPLE SUBDIVISIONS. Simple subdivisions shall be reviewed by the City Manager, City Engineer and City Attorney to determine compliance with the Subdivision Ordinance of the City of Maquoketa, Iowa, and Iowa law. Review by the Planning and Zoning Commission shall not be required. The City Manager may set conditions to provide that the division meets the requirements of all applicable city codes. A simple subdivision plat shall be a Plat of Survey and no Final Plat shall be required. Plat attachments are not required for a simple subdivision. No plat of a simple subdivision shall be recorded unless the city manager has approved the plat.

5-3-8 PLANNING CONFERENCE.

1. A planning conference is mandatory for a major subdivision. A planning conference for a minor subdivision or a simple subdivision shall only be held if requested by the city, the developer or the developer's engineer.

2. The planning conference shall be informal and shall be for the purpose of determining the general requirements to be included in the subdivision. Participants may include the developer, his engineer, his surveyor, the city manager, the city engineer, and any other city official deemed by the city manager to have input or an interest in the layout or facilities to be furnished in the subdivision. Any of the above participants may designate a representative to confer on their behalf.

3. The time and place of the planning conference shall be set by the city manager and all parties shall be notified.

4. The developer shall furnish a sketch plan of the proposed subdivision to the city manager at least five (5) days prior to the planning conference.

5. The proceedings of the planning conference shall be informal. During the conference the city manager shall strive to assist the developer in the subdivision process. Any tentative agreements reached between the city and the developer during the planning conference shall be subject to ratification by the planning and zoning commission or city council as appropriate.

5-3-9 PRELIMINARY PLAT – FILING – CONTENT.

1. The developer shall file a preliminary plat for any major subdivision. The city manager, in his discretion, may require the filing of a preliminary plat for a minor subdivision. No preliminary plat shall be required for a simple subdivision.

2. The preliminary plat shall be conspicuously marked as such and shall be at a scale of not less than one hundred feet to the inch (100' = 1"), and shall include the following information:

a. The subdivision name, scale, north arrow and date;

b. The name and address of the proprietor and developer, and the name and address of the person or firm preparing the preliminary plat;

- c. A key map showing the general location of the subdivision in relation to surrounding streets and development;
- d. All adjacent streets and subdivisions and the names of all the owners of record of all adjacent property;
- e. The legal description of the property included in the proposed subdivision;
- f. The approximate total area of the proposed subdivision and the approximate total area proposed for streets, highways or alleys;
- g. The zoning of the proposed subdivision and adjoining properties;
- h. The layout, numbers, approximate dimensions and area of proposed lots;
- i. The layout, numbers or letters, and proposed dimensions of any land remnant included within the subdivision;
- j. The existing and proposed topography of the subdivision showing contours at appropriate vertical intervals not exceeding four (4) vertical feet;
- k. The location of all existing easements, buildings, watercourses, tree masses and other features located within one hundred (100) feet of the subdivision, including floodways and flood hazard areas;
- l. The location, width, dimensions, approximate grades and proposed names of all public streets proposed to be dedicated for public use and of all private streets proposed to be provided for by perpetual easement;
- m. The location of present and proposed utility systems and other facilities located within one hundred (100) feet of the plat;
- n. Proposed perpetual easements, showing locations, widths and purposes;
- o. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or public or semi-public purposes;
- p. A preliminary grading and erosion control plan;
- q. All front building setback lines and side building setback lines on intersecting street sides of corner lots;
- r. Typical cross-sections of the proposed streets showing roadway location, type of curb and gutter, base and surface course materials to be used and sidewalks to be installed;

- s. Construction plans for all public improvements to be constructed by the developer;
- t. A complete listing of all existing covenants which apply to the land to be subdivided;
- u. Any other pertinent information as determined by the city manager.

5-3-10 PRELIMINARY PLAT – REVIEW AND APPROVAL.

1. Developer shall file ten (10) copies of the preliminary plat with the city manager and shall pay the required preliminary plat review fee as established by ordinance.

2. The preliminary plat shall be filed with the city manager at least thirty (30) days prior to the next scheduled regular meeting of the planning and zoning commission.

3. Two (2) copies of the preliminary plat shall be provided to the city engineer for review, who shall report in writing to the city manager within ten (10) days with his or her comments. One (1) copy of the preliminary plat shall be provided to the city attorney for review, who shall report in writing to the city manager within ten (10) days with his or her comments.

4. The city manager shall prepare a report for the planning and zoning commission at least ten (10) days prior to the meeting at which the preliminary plat will be considered.

5. The planning and zoning commission shall hold a public meeting to consider and study the preliminary plat. The planning and zoning commission shall determine if it complies with the requirements of this ordinance. The commission shall receive and review the reports of the city manager, city engineer and city attorney. The commission shall consider the city's comprehensive plan, the city's applicable standards and ordinances, and the possible burden on public improvements. The commission shall balance the interests of the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of the subdivision. The commission may table the preliminary plat if necessary to obtain additional information from the developer or city staff.

6. The planning and zoning commission shall, within sixty (60) days of the filing of the preliminary plat with the city manager and payment of all required fees, either approve or disapprove the preliminary plat. The commission may, as a requirement of approving the preliminary plat, impose requirements for approval. The commission's approval or disapproval shall be in writing and shall be delivered to the city manager, city engineer, city attorney and developer. The commission's approval of the preliminary plat shall be a conditional approval.

7. No city council review of a preliminary plat is required.

8. The approval of a preliminary plat by the commission shall remain in effect for a period of one year, unless extended by the city council as provided in section 5-3-12(1). If the developer does not file a final plat within that time, all previous actions by the city regarding the preliminary plat are null and void.

9. The planning and zoning commission's approval of the preliminary plat shall not constitute authority to sell lots, record the plat, advertise the future or conditional sale of lots based upon the preliminary plat, nor authority to construct permanent buildings, structures or improvements in reliance upon the layout contained in the preliminary plat.

10. If the developer makes substantial alterations to the layout of the subdivision after the conditional approval of the preliminary plat, such alterations shall be subject to review and approval by the commission.

5-3-11 COMMERCIAL OR INDUSTRIAL SUBDIVISIONS.

1. The street and lot layout of a subdivision for commercial or industrial purposes shall be appropriate to the land use for which the subdivision is proposed. The plat shall conform to the city's comprehensive plan, zoning ordinance, and all other ordinances and regulations of the city.

2. In addition to the principles and standards of this Ordinance, which are applicable to all subdivisions, the developer of a commercial or industrial subdivision shall demonstrate to the city that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall apply:

a. Proposed commercial or industrial parcels shall be suitable in area and dimensions to the type of development anticipated;

b. Street right-of-way and surface shall be adequate to accommodate the type and volume of traffic anticipated to be carried thereon;

c. Special requirements may be imposed by the city with respect to the installation of utilities;

d. Special requirements may be imposed by the city with respect to street, curb and gutter, and sidewalk design and construction;

e. The developer shall be required to protect adjacent residential areas from potential nuisances from the proposed commercial or industrial development, including, but not limited to, setbacks or buffer strips, barriers, or landscaping;

f. Streets designed to carry nonresidential traffic, such as truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic;

g. Adequate access shall be provided to all lots and adequate provisions for off-street parking and deliveries shall be provided;

h. Developers of commercial or industrial subdivisions shall conform and comply with all requirements of this Ordinance.

5-3-12 FINAL PLAT – FILING – CONTENT AND ATTACHMENTS.

1. The developer shall file a final plat with the city manager within one (1) year of the planning and zoning commission's approval of the preliminary plat. In the event the developer does not file a final plat within one (1) year of approval of the preliminary plat, the planning and zoning commission's approval of the preliminary plat is void and of no effect. The city council may extend the deadline to file a final plat for one additional year if the developer applies in writing for an extension within the original one year period. The city manager, in his discretion, may require the developer to file a revised preliminary plat prior to submission of a final plat.

2. Plats of survey shall contain the information and be submitted in the form required by Iowa Code §355.7.

3. Subdivision plats shall contain the information and be submitted in the form required by Iowa Code §§354.6 and 355.8. In addition, a subdivision plat shall be accompanied by the following documents:

a. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body;

b. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Iowa Code §354.12, may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public;

c. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section;

d. A certified resolution by the planning and zoning commission and city council either approving the subdivision or waiving the right to review;

e. A certificate of the county treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Iowa Code §354.12;

f. A complete set of restrictive covenants proposed for the subdivision;

g. A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easements, shall be accompanied by the documents listed in subsections a, b, c, and d, and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments.

4. Ten (10) copies of the final plat, together with all required attachments, shall be submitted to the city manager together with any final plat review fee as established by ordinance. In addition, by the act of filing the final plat, the developer agrees to pay to city within thirty (30) days of billing, all legal and engineering charges the city incurs for the review of the proposed final plat, attachments, final improvement plans and specifications, and observations during the construction of the improvements.

5. The final plat shall be filed with the city manager at least thirty (30) days prior to the next scheduled regular meeting of the planning and zoning commission.

5-3-13 FINAL PLAT – REVIEW AND APPROVAL.

1. Two (2) copies of the final plat and attachments shall be provided to the city engineer for review, who shall report in writing to the city manager within ten (10) days with his or her comments. One (1) copy of the final plat with attachments shall be provided to the city attorney for review, who shall report in writing to the city manager within ten (10) days with his or her comments.

2. The city manager shall prepare a report for the planning and zoning commission at least ten (10) days prior to the meeting at which the final plat will be considered.

3. The planning and zoning commission shall hold a public meeting to consider and study the final plat. The planning and zoning commission shall determine if it complies with the requirements of this ordinance. The commission shall receive and review the reports of the city manager, city engineer and city attorney. The commission shall consider the city's comprehensive plan, the city's applicable standards and ordinances, and the possible burden on public improvements. The commission shall balance the interests of the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of the subdivision. The commission may table the final plat if necessary to obtain additional information from the developer or city staff.

4. The planning and zoning commission shall, within thirty (30) days of the filing of the final plat with the city manager and payment of all required fees, either approve or disapprove the final plat by resolution. The commission may, as a requirement of approving the final plat, impose requirements for approval. The commission's resolution shall be delivered to the city manager, city engineer, city attorney and developer.

5. The city council shall consider the final plat and the resolution of the planning and zoning commission within thirty (30) days of the resolution of the planning and zoning commission. If

the city council finds that the plat has been prepared in compliance with the regulations of this Ordinance, Iowa Code Chapters 354 and 355, and in substantial compliance with the preliminary plat, where required, such final plat shall be approved by resolution. In the event the final plat is not approved, the minutes shall set forth the reasons for the denial, including how the final plat varies from this Ordinance, Iowa Code Chapters 354 and 355, or the preliminary plat.

6. One certified copy of the resolution of the planning and zoning commission and one certified copy of the resolution of the city council shall be provided to the developer. The developer shall file the final plat and all required attachments with the recorder as required by Iowa Code §354.18. The final plat shall be recorded within sixty (60) days of approval by the city council.

5-3-14 IMPROVEMENT GUARANTEES.

1. Before the recording of the final plat, or as a condition of approval of the final plat, the planning and zoning commission or the city council may require and shall accept in accordance with the city standards adopted by ordinance the following guarantees:

a. The furnishing of a performance guarantee in an amount not less than one hundred ten percent (110%) of the cost of installation for public improvements; and

b. Provision for a maintenance guarantee for a period of two (2) years after final acceptance of the improvement.

2. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the city council by resolution.

3. Upon completion of all required improvements, the developer shall notify the city manager, in writing, of the completion of the improvements. The city engineer shall inspect all improvements of which such notice has been given and shall file a report, in writing, with the city manager and developer, indicating either approval or rejection of such improvements with a statement of reasons for any rejection.

4. The city council shall accept the subdivision improvements by resolution upon:

a. The developer's completion of all required improvements and the notification to the city manager in writing required above;

b. Submission to the city manager evidence of payment in full for all work performed on the public improvements;

c. Submission of "As Built Drawings" prepared by the registered professional engineer who prepared the improvement plans, and a statement from the engineer that all construction has been completed in accordance with the engineering plans and specifications approved by the city and the requirements of all ordinances and regulations of the city;

- d. A maintenance guarantee as required by this section of the Ordinance;
- e. The city engineer's report that the subdivision improvements have constructed in accordance with the approved final plat and the regulations of the city;
- f. Developer's payment to city of all fees and charges for plat review, legal review, and engineering review and services.

5. Performance and maintenance guarantees may be provided by a variety of means, subject to the approval of the city council, including, but not limited to, the following:

a. Surety bond. The developer may obtain a surety bond from a surety bonding company authorized to do business in the State of Iowa; or

b. Letter of credit. The developer may provide an irrevocable letter of credit from a financial institution acceptable to the city; or

c. Escrow account. The developer may deposit cash, or cash equivalent, either with the City of Maquoketa, or with a financial institution acceptable to the city, pursuant to an escrow agreement acceptable to the city; or

d. Certificate of deposit. The developer may deposit a certificate of deposit in the name of the City of Maquoketa with a financial institution acceptable to the city.

5-3-15 INSTALLATION OF IMPROVEMENTS.

1. Public improvements, including streets, sanitary sewers, storm sewers, water mains, street lighting, street trees, and sidewalks shall be installed in accordance with the city standards.

2. Utilities shall generally be located within the right-of-way on both sides of and parallel to the street, in accordance with the city standards.

3. All developers shall provide a plan to connect the development to the public water supply system, public storm sewer system and public sanitary sewer system where required by city ordinance or the city standards.

4. Preliminary and final grading and erosion control plans shall comply with city ordinances and the city standards.

5-3-16 SUBDIVISION DESIGN STANDARDS.

1. The design of the subdivision shall be in conformance with the comprehensive plan, zoning ordinance and city standards.

2. To the maximum extent practicable, the subdivision shall be designed to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize the negative impacts and alteration of the natural features.

3. The subdivision shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

4. The subdivision shall be laid out to create lots which provide sufficient area for development outside utility easements. No buildings, fill, or grading shall occur within the utility easements without approval of the city.

5-3-17 BLOCKS AND LOTS.

1. All blocks and lots shall be numbered systematically for identification.

2. The minimum area and dimensions for lots shall conform to the applicable requirements of the area regulations of the zoning ordinance. All lots shall front on a public street or an approved private street as permitted in the zoning ordinance. Lots with double frontages shall not be permitted unless one frontage is an arterial street without access rights. Triangular lots shall be avoided whenever possible.

3. In so far as practical, the side lot lines shall be perpendicular to the street on which the lot fronts.

4. In cases where irregularity of ownership or street lines would produce remnant lots less than the minimum area required by the zoning ordinance, such area shall be added to adjoining lots.

5-3-18 STREETS.

1. The arrangement of arterial and collector streets shall conform to the comprehensive plan. For streets not shown in the comprehensive plan, the arrangement shall provide for the appropriate extension of existing streets.

2. Right-of-way.

a. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the street pavement, curbs, shoulders, sidewalks, utilities, street lighting and street trees placed within the right-of-way;

b. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street. The right-of-way width shall vary with street classification according to the city standards;

c. Dedication of half-streets (right-of-way) is discouraged but may be approved by the planning and zoning commission and city council to serve the public interest. Lots abutting on such right-of-way shall be nonbuildable until the remainder of the street is dedicated to the public.

3. Street classification.

a. Streets shall be classified by the city engineer as arterial, collector, local or alley. The street hierarchy shall be defined by the city engineer based on road function and average daily traffic in accordance with the city standards.

b. Each street shall be classified and designed for its entire length to meet the standards for one of the street types defined in the city standards.

c. The developer shall demonstrate to the planning and zoning commission's and city council's satisfaction that the distribution of traffic to the proposed street system will not exceed the requirements set forth in the city standards.

4. Street width. Street width shall consider possible limitations imposed by sight distances, climate, terrain, and maintenance needs. To minimize street costs, the minimum width assuring satisfaction of needs shall be selected. Street widths for each street classification shall conform to the city standards.

5. Pavement standards. Street pavement thickness shall vary by street classification, subgrade properties and pavement type as specified in the city standards.

6. Street alignment. Arterial and collector streets shall be continued in as direct an alignment as topography and other conditions permit. Local streets shall conform to the prevailing topography of the subdivision.

7. Street grades. Street grades shall be within the city standards.

8. Names of streets. Streets that are aligned with existing or platted streets, or essentially so aligned, shall bear the names of the existing streets. Names for new streets shall not duplicate in spelling, nor sound phonetically similar to existing street names in the City of Maquoketa. Street names shall be approved by the planning and zoning commission and the city council.

9. Reserve strips. No privately owned reserve strip, except open space proposed to be deeded to the city or to a homeowners association within the subdivision, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

10. Streets – Access to 17th Street and Carlisle Street in the City of Maquoketa is hereafter limited to the driveways and field entrances existing at the passage of this ordinance. Such accesses to 17th Street are identified by these station coordinates in the plans and specifications for the paving of 17th Street as approved by the City Council on October 5, 2011:

Field Entrance at Station 5 + 25 feet, south side
Field Entrance at Station 9 + 45 feet, south side
Field Entrance at Station 10 + 46 feet, north side
Gravel Driveway at Station 12 + 70 feet, north side
Gravel Driveway at Station 14 + 30 feet, north side

Any property owner of abutting property requesting additional access to 17th Street and Carlisle Drive shall be required to have their property annexed to the City of Maquoketa.

(Ord. 1098, Passed 12-19-11)

5-3-19 EASEMENTS. Easements shall be provided as determined necessary for public utility requirements. Public utility easements shall measure at least ten (10) feet on either side of the utility line and may vary as needed. Storm sewer easements, sanitary sewer easements and water main easements shall be at least twenty (20) feet in width.

5-3-20 CURBS.

1. Curb requirements and construction shall be in accordance with the city standards.
2. Where curbing is not required, as in planned developments or within two (2) miles of the city limits, edge definition and stabilization shall be furnished as recommended by the city engineer. Shoulders and swales shall be reviewed on a case-by-case basis with the city engineer.
3. Curbing shall be designed to provide a ramp for wheelchairs and handicapped access as required by the Code of Iowa and the city standards.

5-3-21 SIDEWALKS.

1. Sidewalks shall be required on all public street frontages and shall be constructed in accordance with the city standards.
2. Sidewalks shall be placed four (4) feet behind the curb parallel to the street, unless an exception has been permitted by the city engineer to preserve topographical or natural features or to provide visual interest, or unless the developer shows that an alternative pedestrian system provides safe and convenient circulation.

5-3-22 PLANNED UNIT DEVELOPMENTS.

1. A Planned Unit Development (PUD) is a subdivision process established to allow variation from traditional development standards identified in the Subdivision Ordinance of the City of Maquoketa, Iowa. The process is intended to allow flexibility in the development process in exchange for creative design alternatives, greater variety and innovation in land uses and structural appearances, larger expanses of parks and open spaces, more extensive landscaping, and higher protection of natural features and unique resources.

2. A PUD shall not be construed solely as a mechanism to waive requirements of this Ordinance. A PUD must be determined to be in the interest of and to protect the health, safety and general welfare of the public. A PUD must be consistent with the comprehensive plan and the general intent of this Ordinance.

3. A PUD may only consist of properties that contain either R-1 (as defined in City of Maquoketa Code of Ordinances Title V Chapter 1D) or R-2 (as defined in City of Maquoketa Code of Ordinances Title V Chapter 1E) zoning classifications and property uses, or both.

4. A PUD shall have a common open space, accessible to all lots or units, equal to a minimum of twenty-five percent (25%) of the gross area of the development site. No streets, driveways, or parking areas may be included as part of the required open space. Preservation, maintenance and ownership of required open space with a PUD shall be accomplished by: (1) dedication of the land as a public park or parkway system, if accepted as such by the city; or (2) establishment of a property owners' or homeowners' association, with bylaws or regulations governing preservation, maintenance and ownership of the open space.

5. The PUD process may be used to allow infill development or development of smaller parcels contiguous with existing developed areas of the city, where it may be appropriate to match existing lot and block patterns, street corridors, or other existing conditions. In instances of infill development, particularly smaller parcels, creative design emphasis shall be placed on architectural controls, landscaping and neighborhood compatibility, rather than subdivision design or the creation of large open spaces or common areas.

6. The PUD process is not intended to allow increases in development density. Allowable density shall be based upon a concept development layout using conventional land area requirements for each proposed use. Dimensional variations for a resulting PUD may include deviation from the conventional standards: lot width, lot depth, lot area, street setback (provided no required parking areas encroach on public right-of-way, public utilities, or within a private street or access area), setback requirements, or street right-of-way width.

7. The PUD process and the unique features of a proposed development may require that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification. The city council may approve streets, utilities, public facilities and subdivisions that are not in conformance with city standards if it finds that strict adherence to such standards or requirements is not required and so long as the health, safety and general welfare of residents of the PUD, the surrounding area, and the city as a whole, are not compromised.

8. A planning conference and a sketch plan is required for a proposed PUD. The sketch plan shall identify unique conditions that warrant consideration of a PUD process, shall illustrate the density of the development by conventional development standards, and shall include a description and illustration of the dimensional variations that are requested and any special design features and innovations of the PUD. The process to review and approve a PUD shall be comparable to the preliminary and final platting process and shall include all platting documentation in addition to PUD documentation.

9. A preliminary plat is required following review of the sketch plan by the city. A preliminary plat shall illustrate the conceptual development patterns for the entire site controlled by the developer. The preliminary plat shall include all information required by this ordinance for subdivisions. In addition, the developer shall file with the preliminary plat: (1) a statement of the rationale for utilizing the PUD process; (2) identification of the city standards or ordinances which may be subject to waiver or variation; (3) the special features of the development which qualify it as a PUD; (4) a written narrative of the proposed development; and (5) calculations showing that the minimum required open spaces have been designated and set aside.

10. A final plat must be prepared, consistent with the conditions of the preliminary plat, for review and approval by the planning and zoning commission and the city council. The process for approving a final plat shall be the same as the process for approval of a final subdivision plat. The final plat must include the entire site controlled by the developer and shall include:

- a. The zoning classification requested;
- b. Site plans illustrating lot dimensions, minimum structure setbacks, easements, parks, trails, sidewalks, common open spaces, preservation areas, parking configurations and landscaping.
- c. The aggregate area of private lots and area of common open space stated as percentages of the total area within the PUD.
- d. Preliminary architectural styles for each building type, including, but not limited to, floor plans, unit relationships and accessory uses.

The construction and occupancy schedules of each phase of the development.

f. Covenants, restrictions and financial assurances required for the maintenance and operation of the attached residential units, common areas, permanent open spaces, joint facilities, and private streets (of permitted).

11. Unless waived by the City Council, a developer shall execute a development agreement containing the developer's obligations under the approved final plat.

(Ord 1009, 10-3-05)