



PRIMGHAR, IOWA

BUILT ON COBBLESTONES & HERITAGE


2009

SUBDIVISION REGULATIONS

ORDINANCE



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



CITY OF PRIMGHAR

SUBDIVISION REGULATIONS

ORDINANCE

Prepared with Planning & Technical Assistance By:

Northwest Iowa
Planning & Development Commission
217 West 5th Street, Box 1493, Spencer, Iowa 51301
(712) 262-7225 1-800-798-7224

In Cooperation with and Support from:

City of Primghar
160 South Hayes Avenue, Box 39, Primghar, Iowa 51245
(712) 957-2435 fax: (712) 957-5300
primghar@tcaexpress.net

James Thompson, Mayor
Dee Ann Lansink, City Clerk
Linda Nieman, Planning & Zoning Secretary
Primghar Zoning Board of Adjustment

Primghar Planning & Zoning Commission
Darrel DeBoom, Chairman
Von Kilts
Rick Richter
Doug Walvoord
Robert McCauley, Jr.

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ARTICLE OF ADOPTION

ORDINANCE NO. _____

**REPLACES TITLE VIII OF THE PRIMGHAR MUNICIPAL CODE
THE 2004 PRIMGHAR SUBDIVISION REGULATIONS AND AMENDMENTS THERETO**

SUBDIVISION REGULATIONS ORDINANCE FOR THE INCORPORATED CITY OF PRIMGHAR, IOWA

AN ORDINANCE, providing rules and regulations for the subdivision of land in the City of Primghar, 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 as indicated within the city's Comprehensive Land Use Plan; and furthermore in accordance with Chapter 354, Code of Iowa; and to be known and cited as "The Subdivision Regulations Ordinance of the City of Primghar, Iowa."

WHEREAS, The City Council of Primghar, 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, all in accordance with the city's comprehensive plan.

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

ARTICLE I

GENERAL PROVISIONS

Article 1: General Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Application
- Section 1.5. Recording of Plat
- Section 1.6. Plats Outside of the Corporate City Limits
- Section 1.7. Fees Established
- Section 1.8. Penalties and Enforcement
- Section 1.9. Building/Zoning Permit to be Denied

Section 1.1. SHORT TITLE.

This ordinance shall be known, referenced to and cited as the “Subdivision Regulations Ordinance of the City of Primghar, Iowa” to the same effect as if the full title were stated.

Section 1.2. PURPOSE.

The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing land uses and developments will be protected, and so that adequate provisions are made for public facilities, utilities and services, and so that growth occurs in an orderly manner consistent with the comprehensive plan, and to promote the public health, safety and general welfare of the citizens of the City of Primghar, Iowa.

Section 1.3. JURISDICTION.

In accordance with the provisions of Chapter 354, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of Primghar, Iowa, governing the subdivisions of all lands within the corporate limits of the city and all lands within a two (2) mile extraterritorial jurisdictional area.

Section 1.4. APPLICATION.

Every owner who divides any original tract or parcel of land, as a single lot, parcel or tract on or before the effective date of these regulations into three (3) or more parts, lots, parcels or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreages or suburban lots, transfer of ownership or building development within the city or within two (2) miles of the corporate city limits of the City of Primghar, shall cause plats of such area to be made in form, and containing the information hereinafter set forth before selling any lot or lots therein contained or placing the lots or plat on record.

Section 1.5. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within the City of Primghar, Iowa, or within two (2) miles of the corporate limits of the city as recorded in the office of the County Recorder and filed with the County Auditor, 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. Upon approval of the final plat by

the City Council 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 1.6. PLATS OUTSIDE OF THE CORPORATE CITY LIMITS.

Procedure for review of the preliminary and final plats of land within two (2) miles of the corporate city limits of Primghar shall be the same as set out in Article III and Article IV of this ordinance. The city shall decide and record its recommendation from the City Planning and Zoning Commission to approve, revise, or reject the proposed county subdivision. The Primghar Planning Commission shall submit its decision on approval, rejection or revision within thirty (30) days after the referrals of the plat from the County Engineer or Board of Supervisors, or the city's decision shall be deemed as approval of the proposed county subdivision. Specific attention will be paid by the Primghar Planning Commission with regards to those subdivisions platted adjacent to or bordering the city's existing corporate city limits. The Planning Commission will review, and in most circumstances, require that the city's subdivision standards including platting, design, infrastructure, lighting, road width and configuration be applied and implemented to county subdivisions that border Primghar's corporate city limits.

Section 1.7. FEES ESTABLISHED.

The City Council shall from time to time establish, by resolution, fees for the 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, and as required by this ordinance.

Section 1.8. PENALTIES AND ENFORCEMENT.

In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated. 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(s) accepted by the city council as a public street(s). Any person(s), firm, corporation or other legal entity who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the City Council, and recorded as required by law and Chapter 354, Code of Iowa, shall forfeit and pay five hundred dollars (\$500) to the city for each lot or part of lot thereof sold, disposed of, or offered for sale. Nothing contained herein shall in any way limit the city's right to any other remedies available to the city for the enforcement of this ordinance.

Section 1.9. BUILDING/ZONING PERMIT TO BE DENIED.

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. No zoning compliance permit required by the Primghar Zoning Ordinance shall be issued until, and unless, all applicable improvements required by this ordinance have been made in accordance with city plans and specifications and accepted by the city council.

ARTICLE II DEFINITIONS

Article 2: Definitions

Section 2.1. Terms Defined

Section 2.1. Terms Defined.

For the purpose of this ordinance, certain terms and words shall be defined as and interpreted as follows. Words used in this present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term “shall” is always mandatory, and the term “may” is permissive.

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.
2. “*Acquisition Plat*” – The geographical representation of the division of land or rights in land, created as a result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
3. “*Aliquot part*” – 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.
4. “*Alley*” – Public property or right-of-way, other than a street, dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting a street.
5. “*Arterial Street*” – A street primarily intended to carry traffic from one part of the city to another, and not intended to provide public access to abutted property.
6. “*Auditor’s Plat*” – 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.
7. “*Block*” – An area of land within a subdivision that is entirely bounded by streets, highways, lakes, rivers, railroad right-of-ways, tracts of public land, or other public rights-of-way except alleys, and the boundary of the subdivision.
8. “*Building line*” – Shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the zoning 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.
9. “*City Engineer*” – Any registered professional engineer designated as City Engineer by the City Council or other hiring authority. The City Engineer may be a private consultant on retainer with the city.
10. “*Collector Street*” – A street primarily designed to connect smaller areas of the community and carry traffic from local streets to arterial streets. Those streets which carry traffic from

minor streets to the major system of arterial streets and highways, including principal entrance streets and streets for circulation within a residential development.

11. “*Comprehensive Plan*” – The general plan for development of the community which may be titled “Master Plan”, “Comprehensive Plan”, or some other title, and has been adopted by the City Council. Such comprehensive plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
12. “*Commission*” or “*Planning Commission*” – The Primghar Planning and Zoning Commission.
13. “*Conveyance*” – An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.
14. “*City Council*” – The City Council of the City of Primghar, Iowa.
15. “*Cul-de-sac*” – A short minor street having one end connecting to another street and the other end permanently terminated by a vehicular turnaround.
16. “*Develop*” – To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.
17. “*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.
18. “*Division*” – 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 public highway easement, shall not be considered a division for the purpose of this ordinance.
19. “*Easement*” – A grant by a property owner 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.
20. “*Engineer*” – A registered professional engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.
21. “*Flood Hazard Area*” – Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated on the city’s Federal Insurance Rate Map (FIRM) as prepared by the Federal Emergency Management Agency (FEMA).
22. “*Floodway*” – 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.
23. “*Forty-Acre Aliquot Part*” – One-quarter of one-quarter of a section.

24. “*Government Lot*” – A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States Public Land Survey System.
25. “*Improvements*” – Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.
26. “*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.
27. “*Lot*” – A portion of a subdivision or other tract of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development and identified by a number or letter designation on an official plat.
28. “*Lot Area*” - The net horizontal area within bounding lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.
29. “*Lot, Corner*” – A lot situated at the intersection of two streets.
30. “*Lot, Double Frontage*” – Any lot that is not a corner lot that abuts two streets.
31. “*Lot Coverage or Building Coverage*” - The area of a lot covered by buildings or ground level paving, but excluding incidental projecting eaves, balconies, and similar features and excluding landscaping and open recreational facilities.
32. “*Major Thoroughfare*” – A street used primarily for fast, large volume traffic.
33. “*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 physical features of the land.
34. “*Minor Street*” – A street used primarily to access abutting properties.
35. “*Official Plat*” – Either an auditor's plat or a subdivision plat that meets the requirements of this ordinance and has been filed for record in the offices of the Recorder, Auditor, and Assessor.
36. “*Original Parcel*” - Forty acres or part thereof entered or record in the office of the County Recorder as a single lot or parcel.
37. “*Owner*” – The legal entity holding title to the property being subdivided or such representative or agent as is fully empowered to act on the owner's behalf.
38. “*Parcel*” – A part or tract of land.
39. “*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

bond or letter of credit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.

40. “*Permanent Real Estate Index Number*” – A unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
41. “*Planning and Zoning Commission*” or “*Planning Commission*”– The appointed commission designated by the City Council for the purpose of developing all plans and ordinances regarding land use and zoning (including the comprehensive plan of the city), enforcing zoning and subdivision regulations, and making planning recommendations to the council based on the comprehensive plan and any other subordinate plans of the city.
42. “*Plat*” – A map, drawing or chart on which the developer’s or subdivider’s plan of the subdivision is represented for approval and which the developer or subdivider intends to be recorded in final form.
43. “*Plats Officer*” – The individual assigned the duty to administer this ordinance by the city council, and may also be the zoning administrator and/or building inspector, in which case may hold any one of the titles mentioned.
44. “*Plat of Survey*” – The graphical representation of a survey of one or more of the parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
45. “*Proprietor*” – 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.
46. “*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.
47. “*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.
48. “*Right-of-way*” – The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
49. “*Roadway*” – That portion of the improved street or right-of-way intended for vehicular traffic.
50. “*Street*” – 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.
51. “*Street Line*” – The dividing line between a lot and a public street, alley or place.
52. “*Street, Public*” – A public thoroughfare of varying width with minimum width being twenty feet (20’).

53. “*Subdivider*” –The owner of the property being subdivided, or other such person or entity empowered to act on the owner’s behalf.
54. “*Subdivision*” – Means the accumulative effect of dividing an original lot, tract, or parcel of land, into three (3) or more lots for the purpose of immediate or future sale or transfer for development purpose excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided; and as further defined in Chapter 354, Code of Iowa. Any person not in compliance with the provisions of the subdivision definition at the time of its effective date, shall not be required to comply with such provisions unless or until a new division, resubdivision or replatting occurs following that effective date.
55. “*Subdivision Plat*” – 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 city where the land is located.
56. “*Surveyor*” – A registered land surveyor, who engages in the practice of land surveying pursuant to Chapter 355, Code of Iowa, authorized to practice surveying as defined by the registration act of the State of Iowa.
57. “*Tract*” – An aliquot part of a section, a lot within an official plat, or a government lot.
58. “*Utilities*” – Systems for the distribution or collection of water, gas, electricity, communications, wastewater, storm water, and other energy sources. All utility systems must be placed in the terrace, alley or utility easement.
59. “*Zoning Administrator*” - The individual assigned the duty to administer this ordinance by the City Council or other appointed authority.

ARTICLE III

PRELIMINARY PLAT PROCEDURES AND DATA

Article 3: Preliminary Plat Procedures and Data

- Section 3.1. Pre-Application
- Section 3.2. Sketch Plan Required
- Section 3.3. Subdivision Classified
- Section 3.4. Plats Required
- Section 3.5. Procedure for Preliminary Plat Approval
- Section 3.6. Requirement of the Preliminary Plat
- Section 3.7. Duration of Approval of Preliminary Plat
- Section 3.8. Authorization to Install Improvements
- Section 3.9. Conditional Approval of Plat

Section 3.1. PRE-APPLICATION CONFERENCE.

Prior to the subdivision of any land the subdivider or his agent shall discuss informally with the City Clerk and/or the Zoning Administration the property proposed for subdivision. The conference should be attended by a city or utility representative as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable. The purpose of such conference shall be to acquaint the city with the proposed subdivision and to acquaint the subdivider with the requirements and procedures relating to the proposed subdivision.

Section 3.2. SKETCH PLAN REQUIRED.

For the pre-application conference the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area. The subdivider may present the sketch plan to the Planning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

Section 3.3. SUBDIVISION CLASSIFIED.

Any proposed subdivision or resubdivision shall be classified as minor or major subdivision.

1. **Minor Subdivision**: Any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor subdivision.
2. **Major Subdivision**: Any subdivision that in the opinion of the Zoning Administrator or Planning Commission does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

Section 3.4. PLATS REQUIRED.

In obtaining approval of a proposed subdivision and/or development by the City Council, the owner and subdivider shall submit to the Planning Commission, a preliminary plat in accordance with the requirements hereinafter set forth and install required improvements thereon. The owner and subdivider of any major subdivision shall comply with the requirements of the preliminary and final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit a submission of a preliminary plat.

Section 3.5. PROCEDURE FOR PRELIMINARY PLAT APPROVAL.

1. The subdivider shall first prepare and file with the city fifteen (15) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance. The City Clerk shall forthwith file one copy in the records of the city, shall retain one copy for public inspection, one copy for the County Engineer, one copy to the Zoning Administrator and shall forward the remaining copies to the Planning Commission.
2. The Planning Commission shall examine the preliminary plat, the report of the city engineer, and other such information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinance of the city, and conforms to the comprehensive plan and other duly adopted plans of the city. The Planning Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The Planning Commission shall recommend, to the City Council, approval or rejection of the preliminary plat within forty-five (45) days after of the filing of the plat with the City Clerk. 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. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
3. The City Council and the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats as submitted
4. The City Council shall examine the plat, the report of the City Engineer, the report of the Planning and Zoning Commission, and such other information as it deems necessary or desirable. Upon such examination, the City Council shall ascertain whether the plat conforms to the ordinance and standards of the city, conforms to the comprehensive plan and other duly adopted plans of the city, and will be conducive to the orderly growth and development of the city in order to protect the public health, safety, and welfare. The City Council, upon receipt of the Commission's recommendation, and within sixty (60) days, or an extension thereof, may approve, subject to conditions or disapprove the preliminary plat. If the decision of the City Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set in writing in the official records of the City Council, and such decisions shall be provided to the applicant.
5. 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 3.6. 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 authorized representative, may call the City Clerk or Zoning Administrator 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:

1. **GENERAL.** Title, scale, north point, date and official legal description of the property being platted. The subdivider shall prepare and file with the City Clerk fifteen (15) copies of the preliminary plat, drawn at a scale of not more than one inch equals one hundred feet (1" = 100'). A scale greater than one inch equals one hundred feet (1" = 100') may be used if prior approval is obtained from the Planning Commission. The sheet size shall be no greater than twenty-four inches by thirty-six inches (24" x 36") or smaller than eight and one-half inches by eleven inches (8½" x 11"). 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. **NAME.** Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names within the City of Primghar or in O'Brien County. The Zoning Administrator shall verify with the County Auditor that the proposed subdivision name is not duplicating an existing subdivision name in the county.
3. **OWNER.** The name and address of the owner and the name, address, and profession of the person preparing the plat.
4. **KEY MAP.** A key map showing the general location of the proposed subdivision in relation to surrounding developments.
5. **NEIGHBORS.** The names and locations of adjacent subdivisions and the names of owners and residents and the location of adjoining parcels of unplatted land. A list of all owners of record of property and residents located within two hundred feet (200') of the subdivision boundary shall be attached.
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.
7. **CONTOUR.** Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater.
8. **STREETS.** The proposed names for all streets in the area being platted. The Zoning Administrator shall verify that the proposed street names do not duplicate existing street names in the city unless such names are a continuation of an existing street. The location, width and dimensions of all highways, streets, alleys and sidewalks proposed to be dedicated for public use, with their rights-of-way, dedicated widths, types and widths of surfaces and curbs.
9. **LOTS.** Present and/or proposed layout of lots; showing lot numbers, approximate dimensions, building setback lines, radii, and the square-foot area if an irregular shaped lot.

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.
11. EASEMENTS. Present and/or proposed easements, showing location, widths, purposes and limitations.
12. ZONING. Existing and proposed zoning of the proposed subdivision and adjoining property.
13. UTILITIES. Present and/or proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, street lighting and telephone utilities, and other facilities and location of each.
14. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as required by the Planning Commission or city.
15. 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 description of any protective covenants or private deed restrictions to be included in the owner's dedication of the 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.
 - e. The platting fee, as required by the City of Primghar.
16. FEES. The fee, as required by the City of Primghar shall be paid with the submission of the preliminary plat. Although no section within this ordinance shall be interpreted as precluding reimbursement to the County Board of Supervisors for inspection or other services rendered relative to proposed subdivision outside the city limits but within the two-mile extraterritorial jurisdiction.

No fees are charged for the following:

- A. Public land plats submitted by a government department of the city.
- B. Plats submitted by the Board of Education;
- C. Plats of property reserved or dedicating land to the city, provided no other subdivision of land is shown thereon.

Section 3.7. DURATION OF APPROVAL OF PRELIMINARY PLAT.

The approval of a preliminary plat by the City Council shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall

take no action requiring the precedent approval of a preliminary plat except upon application for an approval of an extension of such period of validity, by the Planning Commission.

Section 3.8. AUTHORIZATION TO INSTALL IMPROVEMENTS.

The approval of the preliminary plat shall constitute authorization by the City Council for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross section, and specifications for the construction of such improvement have been submitted to and approved in writing by, the City Engineer.

Section 3.9. CONDITIONAL APPROVAL OF PLAT.

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 City Council and officially recorded in the office of the County Recorder.

ARTICLE IV FINAL PLAT PROCEDURES AND DATA

Article 4: Final Plat Procedures and Data

- Section 4.1. Completion and Acceptance of Improvements
- Section 4.2. Performance Bond Permitted
- Section 4.3. Procedure for Final Plat Approval
- Section 4.4. Requirements for Final Plat
- Section 4.5. Final Plat Attachments

Section 4.1. COMPLETION AND ACCEPTANCE OF IMPROVEMENTS.

Before the City Council will approve the final plat, all of the forgoing improvements shall be constructed and accepted by formal resolution by the City Council. Before passage of said resolution of acceptance the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the city.

Section 4.2. PERFORMANCE BOND PERMITTED.

In lieu of the requirement that improvements be completed prior to approval of the final plat the subdivider shall post a performance bond with the city, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

Section 4.3. 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. Upon approval of the preliminary plant by the City Council, the subdivider may proceed with the preparation of the final plat, together with any detailed construction drawings and specifications for the improvements required under this ordinance.
2. Before submitting the final plat to the Planning Commission for approval, the subdivider shall furnish to the city all plans and information, including fifteen (15) copies of the final plat conforming in detail to the requirements set forth in this ordinance, and shall file one copy in the records of the city, shall retain one copy for the public inspection, one copy for the County Engineer, one copy to the Zoning Administrator and shall forward the remaining copies to the Planning Commission.
3. The Planning Commission shall then consider the final plat according to the procedures set out for preliminary plats in Section 3.5.(3). If the final plat is approved, the Planning Commission shall forward its recommendation of approval to the City Council.
4. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the City Council for review. If the plat is found not to conform to the

preliminary plat, it shall be referred to the Planning and Zoning Commission for review, prior to review by the City Council. The city council shall then consider the final plat according to procedures set out for preliminary plats in Section 3.5.(5). 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, such disapproval shall be expressed in writing and explain the objections to the plat as filed.

5. Upon receipt of the plat and written reports thereon, the City Council shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the city and the comprehensive plan and other duly adopted plans of the city, all as of this date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the City Council shall approve the plat and shall cause its approval to be entered on the plat as required by law. The subdivider or owner shall cause such plat 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. Furthermore, the subdivider shall also 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.
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 City Council.

Section 4.4. REQUIREMENTS OF FINAL PLAT.

The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk fifteen (15) copies of the final plat and required attachments, as set forth in this ordinance. Except for a final plat of a minor subdivision or auditor's plat as set forth herein, no final plat shall be considered by the City Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be clearly marked "Final Plat" and shall show, or have attached thereto, the following:

1. **GENERAL.** The final plat shall be drawn at a scale of not more than one inch equals one hundred feet (1" = 100'). A scale greater than one inch equals one hundred feet (1" = 100') may be used if prior approval is obtained from the Planning Commission. The sheet size shall be no greater than twenty four by thirty-six inches (24" x 36") or smaller than eight and one-half inches by eleven inches (8½" x 11") and shall be of a size acceptable to the O'Brien County Auditor. If more than one sheet is used, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.
2. **TITLE OF SUBDIVISION.** The title or name under which the subdivision is to be recorded,
3. **OWNER.** The name and address of the owner of the title to the real estate contained within the subdivision, and the name, address, and profession of the person preparing the plat.

4. SCALE. A scale, north arrow, and date on each sheet.
5. BENCHMARKS AND SURVEY MONUMENTS. Location, type, materials and size of all monuments and markers including all United States, Iowa, O'Brien County or other official benchmarks, as required by Chapter 355, Code of Iowa.
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 355, Code of Iowa.
7. ADJOINING PROPERTIES. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
8. BLOCK AND LOT NUMBERS. Block and Lot numbers and dimensions.
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 city council's direction. Street right-of-way lines with accurate dimensions in feet and hundredths of feet. Street profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc. to be placed under the streets and alleys.
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.
11. EXCEPTIONS. All interior excepted parcels shall clearly be indicated and labeled, "Not a part of this plat." A strip of land shall not be reserved by the subdivider unless it the land is of sufficient size and shape to be of practical use or service, as determined by City Council.
12. ERROR. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 feet and shall be 1:5,000 feet for any individual lot. Accurate boundary lines, with dimensions to the nearest one-hundredth foot and angles, shall provide a survey of the tract.
13. SURVEYOR'S CERTIFICATE. A statement or certification by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

Section 4.5. FINAL PLAT ATTACHMENTS.

The following shall be attached to and accompany any final plat:

1. DESCRIPTION. A correct legal description or metes and bounds description of the subdivided land.
2. ABSTRACT OF TITLE. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.
3. OWNER CERTIFICATE. A certificate by the owner and their 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 an officer authorized to take the acknowledgments of deeds.
4. COUNTY TREASURER CERTIFICATE. A certificate from the O'Brien County Treasurer that the subdivision land is free from unpaid taxes, 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 Section 354.12, Code of Iowa.
5. MORTGAGE HOLDER'S STATEMENT. A statement from the mortgage holders or lien holders, 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 Section 354.12, Code of Iowa may be recorded in lieu of the consent of the mortgage or lien holder. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the city or dedicated to the public.
6. COURT CERTIFICATE. A certificate from the Clerk of District Court that the subdivision land is free from all judgements, attachments, or mechanics or other liens of record in said Clerk of District Court's office. Certificate is to be signed at time of plat recording.
7. COUNTY RECORDER. A certificate from the County Recorder that the title is in the owner's name and that It is free from encumbrances other than those secured by an encumbrance bond.
8. CERTIFICATE OF DEDICATION. A certificate of dedication by the proprietors to the city, properly executed, dedicating to the public all lands within the plat designated as public space including all streets intended as public streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the City Council.
9. DRAINAGE PLANS. Drainage plans for the removal of storm water. These drainage plans require that storm water drainage cannot exceed pre-development flow rates.
10. DESIGN PLANS. Design plans for all public improvements prepared under the direction of a registered professional engineer licensed in the state, including plan and profiles, typical cross sections and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty feet (50') horizontal scale and a five feet (5') vertical scale with west or north at the left.

11. COVENANTS. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
12. SATISFACTORY IMPROVEMENTS. A certificate by the City Engineer, submitted on behalf of the owner or developer within two (2) weeks of submission, stating that all required improvements 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 Clerk may certify that a performance bond guaranteeing completion has been approved by the city’s attorney and filed with the clerk, or that the City Council has agreed that the city will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.
13. ENCUMBRANCE BOND. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.
14. RESOLUTION ACCEPTING IMPROVEMENTS. Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.
15. COUNCIL PROCEEDINGS. A resolution and certificate for approval by the City Council and for the signatures of the Mayor and the City Clerk.
16. FEE. The applicable fee, if any.

ARTICLE V DESIGN STANDARDS

Article 5: Design Standards

- Section 5.1. General Requirements
- Section 5.2. Plats to Conform
- Section 5.3. Construction Standards for Improvements
- Section 5.4. Land Suitability
- Section 5.5. Lands Subject to Flooding
- Section 5.6. Street Standards
- Section 5.7. Alley Standards
- Section 5.8. Easements
- Section 5.9. Block and Lot Standards
- Section 5.10. Plat Markers or Monuments

Section 5.1. STANDARDS PRESCRIBED.

The design standards shall set forth in this ordinance shall be followed by all developers in subdividing or resubdividing land. The standards and details of design herein contained are considered the minimum standards so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances, while also necessary to protect public health, safety, and general welfare.

Section 5.2. PLAT TO CONFORM.

The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the comprehensive plan of the city, provided such plan has been adopted by the city; and shall conform to such other plans including but not limited to Main Street plan, sanitary sewer plan, parks and recreation plan, public works plans, utilities plans, urban revitalization plans, urban renewal plans, neighborhood plans, recreation plans, solid waste plans, economic development plans, industrial park development plans and housing rehabilitation plans, provided such plan has been adopted by the city.

Section 5.3. CONSTRUCTION STANDARDS FOR IMPROVEMENTS.

In addition to the standards set forth in this ordinance, from time to time the City Engineer shall prepare, and the City Council shall adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the City Council by resolution, such technical standards for public improvements shall have the full force and effect as if they were fully set forth herein.

Section 5.4. LAND SUITABILITY.

No land shall be subdivided 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 conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the city. If the land

is found to be unsuitable for subdivision for any of the reasons cited in this section, the Planning Commission shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Planning Commission may reaffirm, modify or withdraw its determination regarding such unsuitability.

Section 5.5. LANDS SUBJECT TO FLOODING.

No subdivision containing land located in a floodway, flood hazard or flood prone area shall be approved by the city without the approval of the Iowa Department of Natural Resources. No lot shall be located so as to include land located within a floodway, flood hazard or flood prone area unless the lot is of such a size and shape that it will contain a buildable area that is not within the floodway, flood hazard or flood prone area, suitable for development as allowed by the zoning ordinance under the appropriate zoning classification in which the lot is located. Land located within a floodway, flood hazard or flood prone area may be included within a plat as follows, subject to approval of the city:

1. Included within individual lots in the subdivision, subject to the limitations of this section.
2. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the city, providing for its care and maintenance by such owners.
3. If acceptable to the City Council, such land may be dedicated to the city as public open space for recreation or flood control purposes.

Section 5.6. STREET STANDARDS.

The following standards shall apply to all streets to be located within the subdivision:

1. All proposed plats and subdivisions shall conform to the Primghar 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. Street grades shall align to existing streets, and all grades for streets shall be approved by the city.
3. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
4. The arrangement of streets in a subdivision shall provide for the continuation or appropriate projection of arterial or collector streets from adjoining platted areas 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. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the city council, be made a requirement of the plat. Where a plat encompasses the location for an arterial or collector street proposed in the comprehensive plan or street plan, the plat shall provide for such street.
5. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted where topography and other conditions justify their use. Cul-de-sacs should not exceed four hundred (400) feet in length

unless a greater length is unavoidable. Cul-de-sacs shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred thirty feet (130') in the case of residential subdivisions. A turnaround diameter greater than one hundred thirty feet (130') may be required by the planning commission in the case of commercial or industrial subdivisions, if it is deemed necessary.

6. Minimum rights-of-way and roadway widths shall be provided in accordance with the Iowa Department of Transportation's *Iowa Statewide Urban Design Standards for Public Improvements* manual.
7. Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty degrees (60°).
8. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded by an arc, the minimum radius shall be twenty (20) feet or the shortest distance from pavement to the nearest property line. Necessary space must be provided in the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroaching onto the corner lots.
9. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. Streets that are or will become extensions of existing streets shall be given the name as the existing streets. New street names shall not be the same or be phonetically similar to existing street names within the city. All street names shall be at the approval of the City Council.
10. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of streets and appropriate re-subdivision with provision for adequate utility connections for such re-subdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the City Council, be made a requirement of the plat.
11. 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.
12. Dedication of half streets are prohibited, except where an existing dedicated or platted half street or alley abuts the subdivision or tract to be subdivided, the other half shall be platted to complete the street.
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.
14. 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 traffic way.

- 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 traffic way.
15. A deed to the city shall be given for all streets before the same will be accepted for city maintenance.
16. Other Considerations.
- a) Street jogs with centerline offsets of less than 125 feet shall be avoided, except where topography or other physical conditions make such jogs unavoidable.
 - b) Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.
 - c) Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets. Collector or arterial streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is otherwise approved.
 - d) Intersection of more than two streets at a point shall not be permitted.
 - e) No private streets shall be permitted in the City of Primghar, Iowa.

Section 5.7. ALLEY STANDARDS.

In general, alleys shall be permitted in residential areas and required in commercial areas with normal street frontage.

1. Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision has been made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
2. The width of any alley shall be a minimum of twenty feet (20').
3. Dead end alleys are prohibited, unless provided with a turnaround with minimum right-of-way diameter of one hundred (100) feet.

Section 5.8. EASEMENTS REQUIRED.

1. Where required for the placement of present or future public and private utilities, easements of not less than ten feet (10') in width shall be granted by the owner along rear and, where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines.
2. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of trunk lines, pressure lines, open drainage courses, high

voltage lines or other utilities and shall be provided as determined by the utility or City Council. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

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 feet (4') 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, the areas included in the easement for the purposes above enumerated.
4. Whenever any stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at their own expense, make adequate provision for the proper drainage of surface water and shall provide and dedicate to the city an easement along each side of the stream or watercourse in which case such easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of twenty feet (20') on each side plus stream design width and a total width adequate to provide any necessary channel straightening or relocation.

Section 5.9. BLOCK AND LOT STANDARDS.

The following standards apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions.

1. No residential block may be more than one thousand three hundred feet (1,300') or less than three hundred feet (300') in length measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.
2. In blocks over seven hundred feet (700') in length the City Council, at their discretion, may require at or near the middle of the block a public way or easement of at least ten feet (10') but not more than forty feet (40') in width for use by pedestrians. This public way or easement shall not be used for utilities.
3. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.
4. Minimum lot dimensions and sizes shall comply with all requirements of the zoning ordinance for the zoning classification in which the lot is located.
5. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street, so as to permit adequate building setbacks on both front and side streets.
6. Reversed frontage lots are prohibited. Double frontage or through lots, other than corner lots, 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 and no access will be allowed from the rear yard street.

7. All lot shall be provided by means of a public street with satisfactory access to an existing public street.
8. Unless unavoidable, lots shall not front or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
9. Each lot shall be provided with no less than twenty five (25') of access frontage to a public street.
10. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
11. All lot lines should be at right angles to straight street lines or radial to curved street lines, except where in the judgment of the Planning Commission a variation to this provision will provide a better street and lot layout.
12. Any lot not to be served by a sanitary sewage system of the City of Primghar shall have sufficient area to allow for a satisfactory drain field. No subdivision to be served by septic systems shall be approved by the Planning Commission until percolation tests have been performed and the results of said tests have been provided to, and approved by the Iowa Department of Natural Resources.

Section 5.10. PLAT MARKERS OR MONUMENTS.

1. Plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points.
2. Iron pin or pipe monuments three-fourths inch (3/4") in diameter and twenty-four inches (24") long or suitable concrete markers shall be placed as plat markers.
3. Concrete monuments at least thirty six inches (36") long and four inches (4") square with a suitable center point shall be set at all boundary corners of the plat and at all block corners. Except in cases where it is deemed clearly unreasonable or infeasible by the commission, these monuments shall be described in relation to the standard subdivision lines of the section to which the monument is placed.
4. Developer shall provide city with Global Positioning System (GPS) coordinates on plat markers.

ARTICLE VI IMPROVEMENTS

Article 6: Improvements

- Section 6.1. Improvements
- Section 6.2. Maintenance Bond Required
- Section 6.3. Performance Bond Required
- Section 6.4. Resubdivisions
- Section 6.5. Required Minimum Improvements
- Section 6.6. Alternative Systems for Sewer and Water
- Section 6.7. General Requirements for Installation of Utilities
- Section 6.8. Inspection
- Section 6.9. Acceptance
- Section 6.10. Improvements within Two Mile Extraterritorial Jurisdiction

Section 6.1. IMPROVEMENTS REQUIRED.

The subdivider shall be responsible, at the subdivider's expense, for the installation and construction of all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the city, and as shown on the approved preliminary plat. The City Council reserves the right to waive any requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 6.2. MAINTENANCE BOND REQUIRED.

The owner and subdivider of the land being platted shall warrant the design, material and workmanship of such improvements, installation and/or construction for a period of one (1) year 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. The owner and subdivider shall be responsible to maintain such improvement in good repair.

Section 6.3. PERFORMANCE BOND REQUIRED.

The completion requirement for platting may be waived in whole or in part if the developer will post a performance bond with the City Council guaranteeing that improvements not completed will be constructed within a period of one (1) year. Waiver of the completion requirement by the City Council, upon posting of a satisfactory bond with sureties approved by the council shall not constitute an acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed and no public funds will be expended in the area until such improvements have been accepted by the city. If such performance bond is posted, the bond shall be subject to review by the city attorney prior to acceptance and shall indemnify the City of Primghar, Iowa, from any and all costs or losses of the development and construction.

Section 6.4. 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.

Section 6.5. REQUIRED MINIMUM IMPROVEMENTS.

The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare. 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 construction, and notify the city not less than twenty-four (24) hours in advance of readiness for required inspections.

1. STREETS.

- a) **GRADING.** The subdivider of land being subdivided shall provide the grading of the street right-of-way, alley, or public place and provide appropriate paving, including curb and gutter on all streets. All streets or alleys shall be of such width and shall be constructed as to meet the standards set by the city.
- b) **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.
- c) **STREET SURFACE.** Under some circumstances the city may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area but necessary to complete the city street system as it relates to both the area being platted and other areas. In such event, the city will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the city, become the property of the city. All streets that the city is to maintain shall be surfaced with concrete cement, asphaltic concrete or other materials as required or approved by the City Council.

2. **SANITARY SEWER SYSTEM.** The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the city's sanitary sewers. The sanitary sewer system shall be constructed in accordance with the plans and specifications of the city and at sewer grades as established by the city. Under some circumstances the city may require, as a condition for approval of

the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the city sanitary sewer system as it relates to both the area being platted and other areas. In such event, the city will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

The developer shall stub a sewer service line into each lot being developed. Sanitary sewer 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 sanitary sewer facilities. The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the city, become the property of the city. The cost of sanitary lift stations is traditionally paid entirely by the city, with the cost of forced mains assessed to the area benefited. Force main assessments are not possible outside the city limits.

3. **WATER MAIN SYSTEM.** The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the city's existing water mains. Under some circumstances the city may require, as a condition for approval of the plat, installation of water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the city water distribution system as it relates to both the area being platted and other areas. In such event, the city will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area. Fire hydrants shall be uniform throughout the subdivision and shall meet the standards and design approved by the City Council. Water service lines shall be installed to the property line of all platted lots and terminated by a curb stop by the developer. All water mains shall upon inspection, approval and acceptance by the city or designated authority of the city, become property of the city.
4. **STORM WATER.** The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer shall be constructed in accordance with plans and specifications of the city and at sewer grades established by the city. Under some circumstances the city may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the city's storm sewer system as it relates to both the area being platted and other areas. In such event, the city will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

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. Storm water drainage cannot exceed pre-development flow rates. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. The storm sewers shall

upon inspection, approval and acceptance by the city become property of the city. In the storm sewer design phase consideration shall be given to alternatives and principals of storm water management or the provision of a storm water management plan if such plan has been adopted by the city.

5. **STREET SIGNS.** The developer shall provide the subdivision with acceptable street signs at the intersection of all streets.
6. **MARKERS.** The developer shall place markers/monuments as required in Section 5.8.
7. **OTHER IMPROVEMENTS.** The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks, as required by the City Council or upon recommendation by the Planning Commission, grading, seeding or sodding of all lots; the planting of any required trees in the parking area; the installation of street signs, the provision of street lighting and fire hydrants, which will be furnished by the city. All such improvements shall be under the direction of the City Engineer or director of the utility, as appropriate.

Section 6.6. ALTERNATIVE SYSTEMS FOR SEWER AND WATER.

Where the connection to the city sewer or water systems cannot be reasonably be made, the city may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety and welfare, and shall meet all requirements of state, county or other applicable health regulations. Prior to granting approval of such alternate systems, the city shall require that the owner and subdivider provide to the city a waiver of assessment protest or other legally binding documents necessary to protect the city from the expense of subsequent installation of sewer or water facilities.

Section 6.7. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES.

The City Council may require, at their discretion, 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. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be completely installed and approved through the length of the street and across the flat section.

Section 6.8. INSPECTION.

All improvements shall be inspected, by a city appointed inspector, to insure compliance with the requirements of this ordinance. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of inspection to the city.

Section 6.9. ACCEPTANCE.

Upon completion of all improvements required by this ordinance, and upon submission of satisfactory proof to the City Council or other public agency that such improvements have met the standards and requirements of the city or other public agency and are installed on public

property, approved and recorded rights-of-way or easements, the council shall by resolution accept the following portions of such improvements for the purpose of ownership and maintenance by the city or other public agency:

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

Section 6.10. EXTRATERRITORIAL REVIEW AGREEMENT.

Improvements in the two mile extraterritorial review area will be recommended as required above, provided they are not less than that required by the county subdivision regulations, and provided further that all road and drainage construction plans shall be approved by the O'Brien County Engineer, and completed roads shall be accepted by the Board of Supervisors for public maintenance.

The city may negotiate an extraterritorial review agreement between the City of Primghar and O'Brien County, for the standards and conditions applied by the city for review and approval of a subdivision as provided in Section 354.9, Code of Iowa. The City of Primghar shall apply the 28E agreement standards and conditions for review and approval of a subdivision in the extraterritorial review area as established in a joint city-county 28E extraterritorial agreement. The O'Brien County Board of Supervisors may, by resolution, waive its right to review the subdivision or waive the requirement of any of its standards or conditions for approval of the subdivision in the extraterritorial area. Such resolution shall be certified and recorded with the plat.

Procedures for certifying approval of subdivisions in the extraterritorial area of the city shall be the same as those established for other subdivisions within the city. 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 VII PUBLIC SPACE DEDICATIONS

Article 7: Improvements

- Section 7.1. School and Park Land Dedication
- Section 7.2. Park and Open Space Dedication
- Section 7.3. Payments in Lieu of Dedication
- Section 7.4. Other Regulations

Section 7.1. SCHOOL AND PARK LAND RESERVED.

When a subdivided tract includes lands proposed to be parks or school sites in the city's comprehensive plan or other official plan of the city, the subdivider shall indicate such areas on the plat.

1. Proposed Park Sites shall be reserved for three (3) years, giving the city or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and the date of purchase by the public agency. Should the park site not be purchased within three years, the subdivider may then amend the final plat.
2. Proposed School Sites shall be reserved for three (3) years, giving the city, the community school district, or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and the date of purchase by the public agency. Should the school sites not be purchased in three years, the subdivider may then amend the final plat.

Section 7.2. PARK AND OPEN SPACE DEDICATION.

At the city's discretion and in the best interest of the community and the future residents of a proposed subdivision, a minimum of five percent (5%) of the net area of residential subdivisions shall be dedicated for public parks, playgrounds or open space unless otherwise specified by City Council. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space; provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

Section 7.3. PAYMENTS IN LIEU OF DEDICATION.

The subdivider may, in lieu of dedication of such land, donate in cash to the City of Primghar, a sum equal to the value of five percent (5%) of the net area of the subdivision for such park, playground or open space purposes to benefit residents of the subdivision. The purchase price of such land shall be equivalent to the value of said land as established by the last available O'Brien County assessment rolls.

Section 7.4. OTHER REGULATIONS.

1. Public open spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site which is undesirable for such public or civic uses.
2. If the city requires a public park or open space larger than five percent (5%) of the net area of the proposed subdivision, the subdivider shall reserve the park 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 at the appraised raw land value prior to the subdivision as established by a certified land appraiser. After such time, if the reserved property is not purchased for purposes of a new park or public open space, the subdivider may amend the final plat or re-plat such property.
3. Natural features, historic sites, and similar community assets shall be preserved.

ARTICLE VIII ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article 8: Improvements

- Section 8.1. Variances
- Section 8.2. Amendments
- Section 8.3. Validity
- Section 8.4. Other Ordinances and Regulations (Repealer)
- Section 8.5. Effective Date
- Section 8.6. Adoption

Section 8.1. VARIANCES.

Where in the case of a particular proposed subdivision, it can be shown that a strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Adjustment may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Board of Adjustment may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified or waived. It is specifically herein provided that any variance, modification or waiver by the Board of Adjustment under the provisions of this section shall be granted only by the affirmative vote of a majority of the full board, or three (3) members.

Section 8.2. AMENDMENTS.

When necessary to further its purpose, this ordinance shall be amended in accordance with the text amendment procedure for the Zoning Ordinance by the Planning Commission and the City Council. The Planning 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 8.3. 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 8.4. OTHER ORDINANCES AND REGULATIONS (REPEALER).

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 shall apply.

Section 8.5. EFFECTIVE DATE.

This ordinance shall be in full effect from and after its adoption and publication as required by law.

Section 8.6. ADOPTION.

Approved this _____ day of _____, 2009.

Mayor, City of Primghar

ATTEST:

Primghar City Clerk

I hereby certify that the foregoing was published as Ordinance No. ____ in the City of Primghar, Iowa on the ____ day of _____, 2009.