

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 SHORT TITLE. This chapter shall be known and may be cited as the Asbury Subdivision Control Ordinance.

166.02 PURPOSE. The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that adequate provisions are made for public services and to promote the health, safety, and general welfare in the City, and to promote development in an orderly manner.

166.03 DEFINITIONS. For the purpose of this chapter certain terms or words used herein shall be interpreted or defined as follows.

1. “Alley” means a platted, dedicated, and recorded public right-of-way, other than a street, 20 feet or less in width, affording secondary means of access to abutting property, and located between rear or side lines of lots.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision, and containing one or more lots.
3. “Building line” means a line on a plat between which line and public right-of-way no building or structures may be erected.
4. “Commission” means the Planning and Zoning Commission of the City.
5. “Connecting street” means a street of minor continuity subject to area traffic volume with a minimum right-of-way of 50 feet.

6. “Cul-de-sac” means a minor street having one end open to traffic and terminated by a vehicular turn-around, with a minimum right-of-way width of 40 feet.
7. “Easement” means a portion of a lot or block in which the City and all public utilities enfranchised by the City have a right of passage and to install and maintain pipes, wires, poles, conduits and other equipment necessary to carry out public services.
8. “Engineer” means the City Engineer or a consulting engineer acting in that capacity and so designated by contract with the City Council.
9. “Final plat” means a plat, certified by a registered land surveyor of the subdivider’s detailed plan of subdivision of the land, in a form approvable for recording in the Dubuque County Courthouse.
10. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development and which is a distinct parcel of land, the location, dimensions, boundaries, and description of which is determined by plat, record, or survey.
11. “Major street” means a street of considerable continuity connecting various sections of a town designated as a major street on the official major street plan of the City, or roads designated arterial roads by the County with a minimum right-of-way width of 66 feet.
12. “Minor street” means a street which is used primarily for access to the abutting properties with a minimum right-of-way width of 50 feet.
13. “Performance bond” means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, said cost as estimated by the City Engineer, and said surety bond or cash being legally sufficient to secure to the City that the said improvements will be constructed in accordance with the City, specifications and details and with this chapter.
14. “Preliminary plat” means a map, drawing, or chart on which the subdivider’s plan of the subdivision of land is presented and which he or she submits for approval and intends, in final form, to record.
15. “Subdivider” means a person undertaking subdivision or resubdivision of a tract or parcel of land.
16. “Subdivision” means the division of a lot, block, tract, or parcel of land into three (3) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or

building development including all changes in street, alley, or lot lines. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved any division of land.

166.04 PLATTING REQUIRED - GEOGRAPHICAL AREAS AFFECTED.

1. Every person who subdivides any lot, block, tract or parcel of land into three (3) or more lots or other division of land, shall first have the plat or plats of same prepared and approved in conformity with this chapter and shall then cause the plat or plats, together with a certified resolution of the City Council approving such plat or plats, to be recorded in the Office of the County Recorder.

2. The City's jurisdiction over subdivisions of lands shall extend to all lands within the geographical boundaries of the City and to all lands within two (2) miles of the geographical boundaries of the City, exclusive of any area within the geographical boundaries of any other City. The jurisdiction of the City over subdivisions outside of the geographical boundaries of the City is pursuant to the authority of Section 354.9, Code of Iowa.

3. If the subdivision lies outside of the geographical boundaries of the City but within the area of review by the City established in subsection 2 and is also subject to ordinances of Dubuque County regulating the division of land, the subdivision must nevertheless also be submitted to the City under this chapter. The standards and conditions applied by the City for review and approval of such subdivisions outside of the geographical boundaries of the City shall be the same as those applied to subdivisions within the geographical boundaries of the City; provided, that if different standards or conditions are established by agreement between the City and Dubuque County pursuant to Chapter 28E, Code of Iowa, the standards or conditions established by that agreement shall be applied. The City may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution for recording with the plat.

4. If the City's jurisdiction over subdivisions outside of the City's geographical boundaries overlaps the jurisdiction of another City over subdivisions outside of its geographical boundaries, the City shall endeavor to reach an agreement with the other City pursuant to Chapter 28E, Code of Iowa, to establish reasonable standards and conditions for review of subdivisions within the overlapping area. If no agreement

pursuant to Chapter 28E, Code of Iowa, is recorded, the City may review the subdivision only when the subdivision is closer to the geographical boundaries of the City than to the geographical boundaries of the other City.

166.05 PROCEDURE. To obtain final approval of the proposed subdivision by the Commission and the City Council, the subdivider shall submit a preliminary plat, performance and maintenance guarantees, and a final plat in accordance with the requirements hereinafter set forth. *(Ord. 9-07 – May 07 Supp.)*

166.06 WHEN PRELIMINARY PLAT REQUIRED; EXEMPTIONS. Where the subdivider does not propose to dedicate land for streets, alleys or other public uses (except easements for public utility requirements, including storm and sanitary sewers) a preliminary plat shall not be required.

166.07 SCHEDULE OF FEES, CHARGES, AND EXPENSES. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for reviews of preliminary and final subdivision plats and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of City Clerk and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any review or other matter.

166.08 DRAFTING AND INFORMATION REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall first prepare and file with the City Clerk five (5) copies of a preliminary plat of standard engineering scale, on sheets a minimum of eight and one-half (8½) by fourteen (14) inches in size, and showing the following information:

1. True north point, scale used, and date of completion of the preliminary plat.
2. Proposed name of the subdivision, which shall not duplicate or resemble existing subdivision names in the County, names and addresses of each owner and subdivider, civil engineer, or land surveyor preparing the preliminary plat.
3. The true boundary lines of the land being subdivided, showing dimensions, bearings, and angles.
4. Intersecting boundary lines of adjacent property and names of owners.
5. Municipal, county, township, range lines or corners when intersecting the property, and the location and description of all monuments.

6. Topography of the tract being subdivided with contours of at least ten (10) foot intervals, unless slopes exceed ten percent (10%), in which event they shall be twenty (20) foot intervals.
7. Location, width, and names of all existing or platted streets, other public ways, and platted or recorded easements within or adjacent three hundred (300) feet to the tract, and existing permanent buildings, public property, railroad rights-of-way and any other important features.
8. Location of existing water mains, sewers, drains, gas lines, and any other underground facilities, with their sizes, and location of electrical lines, culverts and bridges, within or adjacent one hundred (100) feet to the tract.
9. Proposed layout, location, and dimensions of streets, alleys, sidewalks, and other public ways, with their right-of-way, dedicated widths, approximate gradients, types and widths of surfaces, curves, and planting strips, and location of street lights.
10. Proposed layout and location of blocks and lots, showing numbers, dimensions, radii, chords, and the square foot areas of blocks and lots that are not rectangular.
11. Building setback or front yard lines.
12. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
13. Presently platted and recorded easements, showing locations, widths, purposes and limitations.
14. Proposed easements, showing locations, widths, purposes and limitations.
15. Proposed utility systems, including sanitary and storm sewers, other drainage facilities, water mains and lines, water distribution system, fire hydrants, gas mains and lines, electric utilities, culverts and bridges, and other facilities and location of each.
16. The information required under subsections 4, 7 and 8 of this section relating to adjacent property may be shown on a separate drawing, entitled "Vicinity Map," accompanying the preliminary plat and properly certified.
17. A general, summary description of any protective covenants or private restrictions to be incorporated in the final plat or subdivision. This information may be shown on separate sheets accompanying the preliminary plat.

18. Existing and proposed zoning of the proposed subdivision and all adjoining property. This information may be shown on a separate sheet accompanying the preliminary plat.

19. Items 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14 shall be prepared by a registered engineer or surveyor. Items 9 and 15 shall be prepared by a registered engineer. The drawings prepared by an engineer or surveyor shall bear his or her official seal.

166.09 REFERRAL OF PRELIMINARY PLAT. The City Clerk shall forthwith refer two (2) copies of the preliminary plat to the City Engineer and two (2) copies to the Commission.

166.10 ACTION BY THE CITY ENGINEER. The City Engineer shall carefully examine said preliminary plat as to its compliance with the laws and regulations of the City and State of Iowa, the existing street system, and good engineering practices. If the City Engineer recommends any changes before submission of the plat to the Commission, the subdivider shall withdraw the preliminary plat and file a new preliminary plat pursuant to Section 166.08 in conformity with the recommendations of the City Engineer. The City Engineer shall submit his or her findings to the Commission within thirty (30) days of filing of the plat, unless the plat is withdrawn, together with one (1) copy of the plat.

166.11 ACTION BY THE COMMISSION. The findings of the City Engineer must be received by noon on the second Wednesday of the month in order for the plat review to be placed on the Commission's agenda for its meeting the third Tuesday of the month. The Commission may, at its discretion, call a special meeting provided that all applicable information has been submitted four (4) days prior to the special meeting date. The Commission shall consider the City Engineer's report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, and pass upon the preliminary plat as submitted or as modified. The Commission's action may be continued to a later date by agreement with the subdivider or for any compelling reason. The Commission shall set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial modifications are made by the Commission or in the event of disapproval of the plat, the Commission shall give its reasons therefor and it may request and cause the revised preliminary plat to be re-submitted in the same manner as the original preliminary plat.

2. If approved, the Commission shall express its approval, which may be conditional and noted as “Conditional Approval,” in which event the Commission shall state the conditions of such approval.

3. The action of the Commission shall be noted on the two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copy retained by the Commission.

4. Approval or “Conditional Approval” by the Commission shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

166.12 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he or she proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

166.13 REFERRAL OF FINAL PLAT. The subdivider shall, within twelve (12) months of approval or “Conditional Approval” of the preliminary plat by the Commission, prepare and file four (4) copies of the final plat and other required documents with the City Clerk as hereinafter set forth, and upon his or her failure to do so within the time specified, the approval or “Conditional Approval” of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Commission. Upon receipt of the final plat and other required documents, the City Clerk shall transmit two (2) copies of the final plat to the Commission for its recommendations and approval, and two (2) copies to the City Engineer.

166.14 DRAFTING AND INFORMATION REQUIREMENTS OF THE FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch. Plat sheet size shall not exceed eleven inches by seventeen inches (11"x 17"), and shall show the following information:

1. True north point, scale used, and date of completion of the final plat.
2. A title accurately and clearly indicating the name under which the subdivision is to be recorded, the names of the owners, and subdivider; and the names of the land surveyor platting the tract.
3. Boundaries of the subdivision with accurate dimensions and bearings, and the location and description of all monuments.

4. Municipal, county, township, range, and section lines or corners when intersecting the property.
5. Location, width, and names of all existing or platted streets, or other public ways, and easements within or adjacent forty (40) feet to the tract.
6. Location and accurate dimensions of all proposed streets, alleys, blocks, lot lines, easements, and areas to be dedicated for parks, playgrounds, or other public, semi-public, or community purposes.
7. Plans and profiles of each proposed and established street, road, alley, sidewalk, and other public way, with their right-of-way.
8. Plans and profiles of all proposed sanitary and storm sewers with gradients and pipe sizes.
9. Plan and profiles of proposed water distribution system, showing pipe sizes and the location of all valves and fire hydrants.
10. All radii, chords, points of curvature, points of tangency, bearings of tangents, central angles, and length and degree of curves.
11. Names of all streets.
12. Blocks and lot numbers.
13. Description of property subdivided showing location and extent.
14. The information required under subsections 7, 8 and 9 of this section shall be shown on separate drawings accompanying the final plat and properly certified.
15. Items 1, 2, 3, 4, 5, 6, 10, 11, 12 and 13 shall be prepared by a registered surveyor and items 7, 8 and 9 shall be prepared by a registered engineer. In both instances the drawings shall bear the official registration seal of the surveyor or engineer.
16. Where the subdivider does not propose to dedicate land for streets, alleys, or other public uses (except easements for public utility requirements, including storm and sanitary sewers) the information required by subsections 6, 7 and 10 of this section shall not be required.

166.15 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. 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

acknowledgments 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 Council;

3. 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.

4. 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 Section 354.12 of the Code of Iowa.

5. 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 Section 354.12 of the Code of Iowa 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 City or dedicated to the public.

6. A certificate of dedication of streets and other public property.

7. A statement of restriction of all types that run with the land and become covenants in the deeds of lots.

8. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

9. 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 (50) foot horizontal scale and a five (5) foot vertical scale with west or north at the left.

10. A certificate by the City Engineer or similar official within two (2) weeks of submission that all required improvements and installations have been completed, or that a performance mechanism guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision, or by agreement

between the City and subdivider as to installation and assessment of such improvements. *(Ord. 9-07 – May 07 Supp.)*

11. 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 (50) foot horizontal scale and a ten (10) foot vertical scale with west or south at the left.

166.16 ACTION UPON THE FINAL PLAT BY THE CITY ENGINEER AND COMMISSION. The City Engineer shall review the final plat for compliance with the criteria for final plats under City and Iowa law, and for satisfaction of any requirements of the Commission imposed for conditional approval of the preliminary plat. The City Engineer and Commission shall follow the same procedures for action upon the final plat as are set forth in Sections 166.10 and 166.11 for action upon the preliminary plat. The Commission shall submit its recommendation for approval or disapproval to the City Council. The Zoning Administrator is directed to prepare a resolution showing the action of the Commission. *(Ord. 19A-05 – Dec. 05 Supp.)*

166.17 ACTION BY THE CITY COUNCIL. Upon recommendation of the Commission, the City Council shall by resolution, within thirty (30) days either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the City Council, such disapproval shall be expressed in writing and shall point out wherein said proposed final plat is objectionable.
2. In the event that said final plat is approved by resolution by the City Council and found to be acceptable and in accordance with this Code of Ordinances, and the subdivider has complied with Sections 166.18 through 166.20, inclusive, or Section 166.21, and Sections 166.22, 166.24, 166.25, and 166.26, the City Council shall accept the same.
3. The passage of a resolution by the City Council approving the final plat shall constitute final approval of the platting of the area shown on the final plat, and the subdivider or owner shall cause such final plat to be recorded in the office of the County Recorder of Dubuque County, Iowa, and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in full force and effect.

(Ord. 19A-05 – Dec. 05 Supp.)

166.18 GENERAL REQUIREMENTS. The following general requirements shall be followed by all subdividers. Because of the

unconventional platting requirements of zero-lot line developments as allowed by the Zoning Ordinance in certain zoning districts, the City Council may waive specific requirements of this section as applicable after receiving recommendation from the Planning and Zoning Commission prior to the creation of the preliminary plat and/or the final plat. The request for specific waivers shall be made by the subdivider and shall first be presented to the Zoning Administrator preceding any formal plat submittal.

1. Relation to Existing Streets.

A. 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, and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plan for the neighborhood approved by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

2. Acreage Subdivisions.

A. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

B. Where the parcel is subdivided into larger tracts than for the building lots such parcels shall be divided so as to allow for the openings of major streets and the ultimate extension of adjacent minor streets.

C. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. Minor Streets.

A. Minor streets shall be so planned as to discourage through traffic.

B. Cul-de-sac streets are permitted where topography and other conditions justify their use. The maximum length (L_{max}) of a cul-de-sac shall be 500 lineal feet (LF) and shall terminate with a turn-around, having an outside roadway diameter of at least seventy-five (75) feet and a street property line diameter of at

least one hundred (100) feet. The right of way width of the straight portion of such streets shall be a minimum of fifty (50) feet. If topographic conditions warrant longer lengths, extensions may be allowed if the following conditions are met:

- (1) Approval in writing for an extended cul-de sac must be obtained from all of the following: (a) Fire Chief or Asbury Community Fire Department Board of Directors, (b) Public Works Director (c) Water Superintendent.
- (2) The street is divided by a median.
- (3) There is a water main easement from the turnaround to another street to provide looped water system.
- (4) There are hydrants along the cul-de-sac and at the turnaround.

Each of the above conditions must be met and in no case should the maximum length (L_{max}) of the cul-de-sac exceed 1,000 LF.

The length (L) of a cul-de-sac shall be measured from the projection of the back of curb at the intersection of the nearest through street to the back of curb located at the point along the cul-de-sac that is furthest from the nearest through street as shown in EXAMPLE 1 below. In situations where a cul-de-sac extends off of another cul-de-sac, the total length of the cul-de-sac shall be the sum of the lengths of the two (2) cul-de-sacs as shown in EXAMPLE 2 below.

4. Frontage Streets.

A. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

B. Where a subdivision borders on or contains a limited access highway right-of-way the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for part purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property owner is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

6. Street Geometrics.

A. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

B. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

C. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the Commission shall determine for special cases.

D. Collector streets shall be a minimum width of sixty (60) feet with a minimum of thirty-seven (37) feet roadway.

E. Street right-of-way widths shall be as shown in the City's Master Plan, but in no event less than fifty (50) feet, with a minimum of thirty-one (31) feet roadway.

7. Intersections.
 - A. Insofar as is practical, acute angles between streets at their intersection are to be avoided.
 - B. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than eighty (80) degrees.
 - C. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the Commission may deem it necessary. The Commission may permit comparable cutoffs or chords in place of rounded corners.
8. Street Names. Streets that are in alignment with others already existing and names shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Commission.
9. Street Grades.
 - A. Street grades, wherever feasible, shall not exceed ten percent (10%), with due allowance for reasonable vertical curves.
 - B. No street grade shall be less than one-half ($\frac{1}{2}$) of one (1) percent.
10. Alleys.
 - A. Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provisions are made for service access such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
 - B. The width of an alley shall be thirty (30) feet.
 - C. Alley intersections and sharp changes in alignment shall be avoided but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
 - D. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead end, as determined by the Commission.
11. Blocks.
 - A. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the centerlines of intersecting streets, except where, in

the opinion of the Commission, extraordinary conditions unquestionably justify a departure from these limits.

B. In blocks over seven hundred (700) feet in length the Commission shall require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians.

12. Lots.

A. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

B. Minimum lot dimensions and sizes shall conform to the requirements of the Zoning Ordinance, provided:

(1) Residential lots where not served by public sewer shall not be less than one (1) acre in area.

(2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(3) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.

C. The subdividing of the land shall be such as to provide by means of a public street each lot with satisfactory access to an existing public street.

D. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

E. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

13. Building Lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Commission may require building lines in accordance with the needs of each subdivision.

14. Easements.

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be forty (40) feet wide at time of construction reverting to ten (10) feet in width at the completion of construction.

B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width of construction, or both, as will be adequate for the purpose.

15. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shall be required by the City Engineer. The monuments shall be of such material, size, and length as may be approved by the City Engineer.

16. Street Lighting. The subdivider shall furnish and install street lighting, including bases of foundations where required, with ownership vesting in the City. Construction shall be in accordance with the provisions of the City's street light standards.

17. Design Standards. The Developer shall submit three (3) copies of a certified Geotechnical Engineering Soils Report completed in accordance with Iowa Department of Transportation policies by an Iowa DOT approved geotechnical engineering firm for review and approval by the City. Said geotechnical report shall include, as a minimum, the following information:

A. Conduct standard penetration borings to a minimum of twelve (12) feet below grade or to bedrock whichever is shallower. Said borings shall be taken at intervals recommended by the geotechnical engineering company but, in no case, shall be more than three hundred (300) feet apart.

B. Classify the soils encountered in the borings and preparing logs illustrating the soils strata along with water level observations during drilling.

C. Perform basic laboratory tests including moisture content, dry density, Atterberg limits, unconfined compressive strength determination, and additional tests as required to obtain data to provide design and construction recommendations.

D. Submit an engineering report including logs of the test borings along with engineering recommendations for earth work and alternate pavement design sections for asphaltic cement

concrete and Portland cement concrete pavements. Said subgrade and related pavement design calculations and analyses shall be completed in general accordance with the AASHTO, Portland Cement Association, and *Asphalt Paving Association Thickness Design Methods* for the estimated traffic volume and loads, and a minimum 20-year design life. All above-referenced supporting design calculations and analyses shall be included in the appendix of the geotechnical engineering report.

18. Site Drainage. Land development projects larger than a duplex shall require the developer to provide engineered site plans in sufficient detail to ensure that the rate of flow of the surface water drainage from the development onto downstream properties will be no greater than before development.

166.19 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the applicable standard specifications and details of the City and the Iowa Department of Natural Resources and under the supervision of the City Council and its satisfaction. Standard specifications and details are on file with the City Clerk.

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council.

2. Roadways. All roadways shall be surfaced with Portland cement concrete in conformance to minimum standards of the Portland Cement Association, or surfaced in accordance with the Asphalt Institute. There shall be a minimum thickness of Portland cement concrete of six (6) inches and equivalent thickness of asphaltic concrete. All pavement shall be constructed with a minimum six (6) inch thick granular base or subbase consisting of clean, well-graded crushed stone meeting the requirements of Section 4121 of the Iowa Department of Transportation Standard Specifications (latest revision). Positive gravity drainage should be provided for longitudinal shoulder drain lines with a minimum diameter of four (4) inches. The longitudinal shoulder drain line trenches should be backfilled with clean, well-graded granular material meeting specifications for the Iowa Department of Transportation, "porous backfill" Section 4131. Granular backfill for the drain lines should be hydraulically connected to the granular base or subbase in the pavement section. The invert of the longitudinal shoulder drain lines should extend to a depth of at least four (4) feet below the finished

subgrade elevation for the roadways. Placement of at least twelve (12) inches of properly compacted cohesive soil or pavement surfacing above the shoulder drain backfill is recommended to minimize infiltration of surface water into the drainage system.

3. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the City Council. All curb and gutters shall be constructed according to the provisions of Chapter 140 of this Code of Ordinances.

4. Sidewalks.

A. Sidewalks shall be required on all public street frontages and constructed in accordance with the provisions of Chapter 136 of this Code of Ordinances. Sidewalks shall be required on all final subdivision plats approved after January 1, 2005.

B. Sidewalks shall be placed four feet (4) 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 subdivider shows that an alternative pedestrian system provides safe and convenient circulation.

C. In planned developments, sidewalks (as used in this subsection) may be located away from the road system to link dwelling units with other dwelling units, the street and on-site activity centers such as parking areas and recreational areas. Developer may demonstrate sidewalks also be required parallel to the street.

D. For all zoning districts, grading for sidewalk improvements are required at the time of approval of the final plat. If sidewalks are not already installed at the time of approval of final plat, sidewalks must be installed before the earliest of the following events:

(1) Sidewalk must be installed before occupancy of the property is permitted.

(2) Remaining sidewalks must be installed within a period of two years on all undeveloped lots in a subdivision once 80% of the lots in the subdivision have sidewalks.

(3) All sidewalks in a subdivision must be installed within ten years of the date the final plat was approved.

(4) If an undeveloped lot is sold to an owner of an adjacent developed lot for the purpose of free space, parking, or an undetermined future need, then the undeveloped lot must have sidewalks installed at the time of sale.

(Ord. 23-04 – Dec. 04 Supp.)

5. Water Lines.

A. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City Standards and with applicable State and Federal Standards, procedure, and supervision. Provision for future purchase and installation of fire hydrants and for future purchase and installation of public water system mains may be required at the expense of said subdivider. The City shall set the extent of the subdividers' responsibility at a sum of money which shall be due and payable within thirty (30) days of final plat approval by the City Council.

B. The City Council has adopted written *Standard Specifications and Standard Details for Water Main Construction*, which are incorporated herein by reference. Water main, water connection, water and service line, and pipe excavation and work shall conform to the *Standard Specifications and Standard Details for Water Main Construction*, wherever applicable, an official copy of which shall be kept in the office of the City Clerk and available for public inspection.

C. In general, minimum main size for systems intending to provide fire protection should be six inches in diameter, the size dictated by IDNR rules. The minimum line size has evolved because IDNR requires that fire hydrants must be capable of supplying at least 500 gallons per minute with a minimum residual pressure of twenty pounds per square inch (psi) throughout the remainder of the distribution system. Mains must be designed so that adequate pressure is maintained throughout the system during peak flow periods. Minimum recommended pressure for residential users should be 40 psi and maximum pressure should be less than 80 psi if possible.

D. Any water system started or extended after January 23, 2001, shall meet the standards of the City of Asbury Water Improvement Study dated July 21, 1997, by Fox Engineering or

as amended. Any new water system or extension of any existing water system shall meet the minimum water flow requirements of the study, including fire protection, for the intended use of the service area. Individual well systems will be reviewed and approved on a case by case basis.

E. Structures and facilities constructed shall be in accordance with Chapter 91, Well Protection. (Ord. 9-05 – Jun. 05 Supp.)

6. Sewers.

A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer and provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the City Council and the State Department of Natural Resources and the construction subject to the supervision of the City Engineer.

B. The City Council has adopted written *Wastewater Collection System Standard Specifications*, which are incorporated herein by reference. Sanitary sewer, manhole and force main construction excavation and work shall conform to the *Wastewater Collection System Standard Specifications*, an official copy of which shall be kept in the office of the City Clerk and available for public inspection.

C. The subdivider shall install a storm sewer system adequate to serve the foreseeable needs of the area, and additional areas as anticipated by the City. The storm sewer system shall be constructed in accordance with plans, specifications and sewer grades approved by the City. The City may require installation of a storm sewer pipe that is larger in diameter than necessary to meet the foreseeable needs of these areas. In such event, the City will pay the difference in the cost of pipe and installation between the larger sewer pipe and the diameter of sewer pipe necessary to meet the foreseeable needs of the area. The sewers shall, upon inspection, approval, and acceptance by the City, become the property of the City. In the storm sewer design phase, the subdivider shall give consideration to alternatives, to principles of storm water management and to the provisions of any storm water management plan adopted by the City. The subdivider shall provide for detention of storm water runoff flows in excess of storm water runoff flows prior to development to the extent deemed reasonably necessary by the City Engineer. The

subdivider may be required to intercept perennial groundwater flows from springs or lateral movement of water confined by underlying shale layers, by tiling the water to storm water systems or drainage-ways or by other approved methods. Such provisions shall be approved by the City Engineer.

(Ord. 7-06 – Dec. 06 Supp.)

7. Inspection. The construction of all improvements which at any time shall be deeded to the City, including all streets, alleys, sanitary or storm sewers or water works, shall be subject to inspection. The person responsible for installation of the improvement shall employ the design engineer or engineering firm (or other qualified licensed engineer or firm) to provide resident inspection during construction. The City Engineer will provide periodic review of the construction as directed by the City. Costs incurred by the City for periodic construction review by the City Engineer shall be assessed to the person installing the improvements. The engineer employed by the person installing the improvement shall certify to the City that the improvement was constructed in accordance with the plans as approved by the City and shall furnish as-built drawings for the improvements for use in locating sewer or storm sewers and water lines in the future.

166.20 COMPLETION OF IMPROVEMENTS. Before passage of resolution of acceptance, the City's Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and any agreements between the subdivider and the City. Upon receipt of the City Engineer's recommendation for acceptance, the City Council will adopt a resolution that all the foregoing improvements are constructed and accepted by the City Council.

(Ord. 19A-05 – Dec. 05 Supp.)

166.21 PERFORMANCE GUARANTEE. Before the recording of final plats, or as a condition of approval of final plats, the Commission and City Council shall require the following guarantees:

1. The furnishing of a performance guarantee in an amount not less than one hundred ten percent (110%) of the cost of construction of public improvements by the owner. The performance guarantee shall be posted by the subdivider or subdivider's contractor under Section 166.15(10) with the City Council guaranteeing that improvements will be constructed and shall remain in full force and effect until final acceptance of the improvements by the City. Final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended

in the subdivision until such improvements have been completed and accepted by City Council resolution.

2. Upon determination by the City Engineer that a public improvement is substantially complete, the amount of such guarantee shall be reduced to twenty-five percent (25%) of the cost of construction of the public improvement. "Substantially complete" shall mean that the public improvement has been inspected by the City Engineer and determined by the City Engineer to be constructed in accordance with the approved plans and specifications.

(Ord. 9-07 – May 07 Supp.)

166.22 FINANCIAL SOLVENCY. Any person intending to subdivide land in the City shall be required to demonstrate personally or through his or her lending agent that said person has sufficient funds or the ability to borrow sufficient funds to pay all costs of construction, legal fees, engineering fees, and administrative costs incurred in the subdivision of said property. Said financial statement shall be submitted to the City Council for consideration of said City Council, the City Engineer and the City Attorney at the time of submission of the preliminary plats. Inability of the subdivider to demonstrate financial solvency shall be cause for rejection of the preliminary plat.

166.23 SAVE HARMLESS. Any person intending to subdivide land in the City shall save harmless said City of any costs, fees, or liabilities which said City may incur as a result of such land subdivision.

166.24 LIEN WAIVERS. Before the City Council approves and accepts the final plat, said subdivider or contractor shall furnish the City lien waivers from all contractors or sub-contractors.

166.25 PUBLIC LAND. The provision of public land for school, parks, and recreational purposes is considered essential to the proper development of the City and, when requested, the owner shall place in escrow, or pay to the City, an amount of money equal to five percent (5%) of the estimated value of the entire tract being platted, without any physical improvements thereon. The land shall be appraised by the Commission or its appointed appraiser. The fund which accumulates shall be used by the City for the acquisition of public lands or improvements thereto. In case of subdivision to exceed fifty (50) acres, the owner may, with the approval of the City Council, deed the fee simple title to a location or lot within the tract which comprises 5% of the total acreage of the land being platted. If a proposed site for a public use is selected in whole or in part within the land being platted, the City Council may have the proposed site appraised independently, and upon payment of the appraisal value to the owner,

the owner shall convey the same in fee simple to the City or to other governmental agencies.

166.26 MAINTENANCE GUARANTEE. Upon passage of the resolution of acceptance by the City Council, the subdivider or subdivider's contractor shall provide a two (2) year maintenance guarantee for water and sewer lines, streetlights and storm sewer against any defects except ordinary wear and tear. The subdivider or subdivider's contractor shall provide a four (4) year maintenance guarantee for streets and curb and gutter against any defects except ordinary wear and tear. *(Ord. 9-07 – May 07 Supp.)*

166.27 PERFORMANCE AND MAINTENANCE GUARANTEE MECHANISM. Performance and maintenance guarantees may be provided by a variety of means subject to approval of the City including, but not limited to, the following:

1. Surety Bond. The owner may obtain a surety bond from a surety company authorized to do business in the State; or
2. Letter of Credit. The owner may provide an irrevocable letter of credit from a financial institution acceptable to the City; or
3. Escrow Account. The owner may deposit cash, or cash equivalent, either with the City, or with a financial institution acceptable to the City, pursuant to an escrow agreement acceptable to the City; or
4. Certificate of Deposit. The owner may deposit a certificate of deposit in the name of the City, with a financial institution acceptable to the City.

(Ord. 9-07 – May 07 Supp.)

166.28 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the City Council 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 chapter. In no case shall any variance or modification be more than a minimum easing of the requirements and in no instance shall it be in conflict with any zoning ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the City Council.

(Ord. 9-07 – May 07 Supp.)