

LAND SUBDIVISION REGULATIONS OF 1973
AS AMENDED

MARSHALLTOWN, IOWA

Revised and Adopted
February 19, 2001
February 11, 2002
November 14, 2005

TABLE OF CONTENTS

	<u>Page</u>
Article 1: General Provisions	1
A. Title	1
B. Legal Authority	1
C. Purpose	1
D. Geographic Jurisdiction	2
E. Use and Interpretation	2
Article 2: Rules and Definitions	3
A. Rules	3
B. Definitions	3
Article 3: Procedures for Platting	6
A. Pre-Application Meeting	6
B. Preliminary Plat	7
C. Final Plat	8
D. Filing	9
Article 4: Presentation Requirements for Plats	10
A. Preliminary Plat	10
B. Final Plat	12
Article 5: Design Standards for Plats	13
A. General	13
B. Streets and Alleys	13
C. Public Easements	15
D. Blocks	16
E. Lots	16
F. Public Lands	17
G. Natural Features	17
H. Restrictive Covenants	17
Article 6: Required Minimum Site Improvements	17
A. Monuments	17
B. Grading and Surface Drainage	18

	<u>Page</u>
C. Storm Water Sewerage	18
D. Sanitary Sewerage	19
E. Water Supply System	19
F. Street Paving, Curbs, Gutters and Sidewalks	20
G. Street Lights and Street Name Signs	21
H. Street Terraces	21
I. Telephone, Electric Utility, Cable TV and Other Wire Utilities	21
J. Major Utility Transmission Lines	21
Article 7: Procedures for Improvements	21
A. Improvements Paid for by Subdivider	21
B. Detailed Engineering Plans	21
C. Construction and Inspection	21
D. Guarantee of Performance and Maintenance	22
Article 8: Administration	23
A. Enforcing Officer and Appeals	23
B. Building and Occupancy Permits	23
C. Variances and Exceptions	23
D. Planned Unit Development	24
E. Auditor's Plat	24
F. Amendments	24
G. Validity	24
H. Penalties	24

LAND SUBDIVISION REGULATIONS

AN ORDINANCE REGARDING REGULATING THE SUBDIVISION OF LAND IN THE CITY OF MARSHALLTOWN AND ENVIRONS, BY REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH PROCEDURES TO BE FOLLOWED, PRESCRIBING PENALTIES AND REPEALING ORDINANCE NUMBER 12288 AS AMENDED.

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

Section 1. The Code of Ordinances of the City of Marshalltown, Iowa, is amended by adding the following new ordinance:

Article 1, GENERAL PROVISIONS

A. Title

This Ordinance from the date of its passage shall be entitled:
LAND SUBDIVISION REGULATIONS OF 1973, AS AMENDED,
MARSHALLTOWN, IOWA

B. Legal Authority

The enactment of this Ordinance is in pursuance of the authority granted by Chapter 354, Code of Iowa.

C. Purpose

The general purposes of this Ordinance are: to carry out the policies and goals of the Comprehensive Guide Plan (General Development Plat) to provide for the orderly, economic and safe development of land and urban services and facilities and to promote the public health, safety, morals and general welfare. Further this Ordinance is adopted:

To improve land records by establishing standards for surveys and plats, and by requiring accurate legal descriptions of boundaries which will help provide clear title;

To prevent scattered or premature platting of lots beyond the service

areas of existing public utilities and improvements;

To discourage platting of lots which are unbuildable or very difficult to build on;

To assure sound layout and to permit economy of construction in new subdivisions;

To secure the reservation of public lands and waters;

To encourage attractive, stable and wholesome community growth by providing procedures for plat review which involve checking by all appropriate officials;

To cause the cost of public improvements to be done by lot purchasers rather than to permit the cost to become a burden upon existing property owners who have already paid for their improvements; and

To establish minimum improvement standards and design criteria.

D. Geographic Jurisdiction

This ordinance shall regulate the subdivision of land within the City of Marshalltown, Iowa, and all land within an area extending two miles beyond the City Limits in accordance with the provisions of Section 354-9, Code of Iowa.

E. Use and Interpretation

1. Whenever any subdivision of land shall hereafter be laid out, the subdivision plat and plans of proposed improvements shall, in all respects, be in full compliance with these regulations and with the provisions of Chapter 354, Code of Iowa. For purposes of this Ordinance, all lots or parcels created from the division of land within a Quarter-Quarter Section on or after the 8th day of April, 1991 shall be subject to the regulations herein.
2. Except as provided by State Law, until said plats and plans are approved, properly signed and officially recorded:
 - a. No land shall be subdivided, nor any street laid out;
 - b. No lot or parcel of land, within any subdivision shall be offered for sale nor shall any sales, contract for sale, or option be made or given unless such sale, contract or option is conditional upon city

approval of the final plat.

- c. No permanent utility services by any public service corporation nor public improvements shall be installed.
- 3. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements.
- 4. Where the conditions of this Ordinance conflict with other laws or Ordinances, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

ARTICLE 2, RULES AND DEFINITIONS

For the purposes of this Ordinance certain terms and words are herein defined as follows:

A. Rules

- 1. Words used in the present tense shall include the future; and words in the singular number shall include the plural number, and the plural the singular.
- 2. The word "shall" is mandatory and not discretionary, and the word "may" is permissive.
- 3. The word "person" includes a "firm," "association," "organization," "partnership," "trust," "company," or "corporation," as well as an "individual."
- 4. The word "lot" shall include the words "tract," "plot," "piece," and "parcel."
- 5. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used."

B. Definitions

Acquisition Plat -- The graphical representation of the division of land or rights in land, created as the 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.

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.

Alley -- Any strip of land publicly or privately owned, less than fifty (50) feet and more than sixteen (16) feet in width between property lines, set aside for secondary public vehicular access to abutting property.

Arterial Street or Highway -- A street or highway of considerable continuity designed primarily to serve as an intercommunication link between various sectors of the area and beyond (such as from within the City to outlying areas).

Auditor's Plat -- A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

City Council -- The City Council of Marshalltown, Iowa.

Collector Street -- A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects traffic between local and Arterial Streets or Highways.

Commission -- The City Planning and/or Zoning Commission of Marshalltown, Iowa.

Comprehensive Plan -- The General Development Plan, or any portion thereof, adopted by the City in accordance with the laws of the State of Iowa.

Conveyance -- An instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

Cul-de-sac -- A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

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 a public highway easement, shall not be considered a division for the purpose of this ordinance.

Final Plat -- Shall mean the drawings and documents described in Article 4, B.

Forty-acre Aliquot Part -- One-quarter of one-quarter of a section.

Governing Body -- A city council or the board of supervisors, within whose jurisdiction the land is located, which has adopted ordinances regulating the division of land.

Government Lot -- A tract, within a section, which is normally described by a lot

number as represented and identified on the township plat of the United States public land survey system.

Improvements -- Street grading, pavement, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, subdrains, monuments, street signs, street lights, street trees, wire utilities and other facilities the City of Marshalltown may ultimately assume the responsibility for maintenance and operation.

Local Street -- A street designed for access to abutting property and not intended to facilitate through traffic.

Lot -- A tract of land represented and identified by number or letter designation on an official plat, and occupied or intended to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the Zoning Use District in which such lot is situated, and having its principal frontage on a publicly dedicated street.

Lot of Record -- A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Marshall County, Iowa, or a parcel of land, the deed of which is recorded in the office of the County Recorder of Marshall County, Iowa, as of the 8th day of April, 1991.

Marginal Access Street or Frontage Road -- A local street which is parallel and adjacent to highways and arterials with access to abutting private properties only on one side.

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.

Official Plat -- Either an auditor's plat or a subdivision plat that meets the requirements of this ordinance and Chapter 354, Code of Iowa, and has been filed for record in the offices of the recorder, auditor, and assessor.

Parcel -- A part of a tract of land.

Parcel Identification Number -- A unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29, Code of Iowa.

Plat of Survey -- The graphic representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

Preliminary Plat -- Shall mean the drawings and documents described in Article 4, A.

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

Subdivider -- The owner of the parcel of land to be subdivided or his authorized representative.

Subdivision -- The division or redivision of a lot, tract or parcel of land regardless of how it is to be used, into three or more lots; or the division or redivision of land involving dedication of a new park, walkway, street or other public right-of-way facility, or the vacation, realignment or any other change in existing streets, alleys, easements, recreating areas, water or other public improvements or facilities provided, however, that the division of land solely for agricultural purposes into parcels of ten (10) acres or more shall not be deemed a subdivision if no public streets, easements and public facilities are involved.

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 county where the land is located.

Surveyor -- A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa.

Tract -- An aliquot part of a section, a lot within an official plat, or a government lot.

ARTICLE 3, PROCEDURES FOR PLATTING

The following procedures are established for the administration of this Ordinance and no plat shall be recorded until the proposed subdivision has been reviewed and approved by the Planning Commission and the Council. Planned unit developments and plans for any combination of uses shall be presented in the same manner as plats for the review of the Commission.

A. Pre-Application Meeting

1. Prior to the submission of any plat for consideration by the Commission under provisions of this Ordinance, the subdivider shall meet with City Development Staff to introduce himself as a potential subdivider and they shall advise the subdivider what shall be expected of him in that capacity. An initial informal

sketch of the proposed plat over a print of a topographic map or other suitable sketch and a tentative proposed improvement list will be required. The sketch shall also show the relationship of the land to be platted to surrounding subdivisions. The subdivider shall familiarize himself with provisions of the Comprehensive Plan affecting the use of his property, and he shall satisfy himself that the zoning is appropriate for his intended use of the property.

2. The purpose of the pre-application conference is to afford the subdivider an opportunity to avail himself of the advice and assistance of the City Development Staff and to consult early and informally with staff before preparation of the preliminary plat and before formal application for its approval.
3. The land which is proposed for subdivision must be zoned for the use or uses contemplated in the proposal before the preliminary plat is filed.

B. Preliminary Plat

1. The subdivider shall submit to the City Clerk sixteen (16) copies of a preliminary plat of the proposed subdivision, the requirements of which are as set forth in this Ordinance. The preliminary plat shall be submitted to the Zoning Administrator not less than three (3) weeks prior to the next regularly scheduled Planning Commission meeting and shall be accompanied by a fee of two hundred fifty dollars (\$250) plus ten (\$10) dollars for each lot payable to the City of Marshalltown.
2. If the preliminary plat submitted by the subdivider is rejected by the City for any reason, the subdivider may resubmit a revised application within one year, satisfying the reason for rejection, without paying an additional fee.
3. The Zoning Administrator shall determine whether the preliminary plat is in proper form. The Council and Commission shall not receive nor consider the application as filed until all documents are in accordance with the requirements set forth herein. The Zoning Administrator shall inform the Commission and Council, in writing, that the fee has been paid and all other requirements have been met.
4. Not later than three (3) days from receipt of said plat, the Zoning Administrator shall distribute one copy each of the preliminary plat to the, the Chairman of the Commission, the City Solicitor, the City Engineer, the Fire Chief, the Building Official, the Housing Director, Water Pollution Control Director, the Superintendent of the Water Works, the District Engineer of the Iowa State Highway Department, if the plat borders a State or State Aid Highway and one copy each to each company providing electric, gas, cable

TV and telephone services with a request for their reactions to be presented at the next regularly scheduled Commission meeting. In instances where the proposed subdivision lies outside the City Limits the Zoning Administrator shall submit one copy of the preliminary plat to the County Zoning Administrator.

5. Any interested person may address the Commission orally or in writing regarding any preliminary plat but notice of the Commission's consideration of same need not be given. The Commission shall review the preliminary plat considering the oral or written comments from interested parties and take appropriate action. If recommended for approval, the Commission shall, by written report, express its action as a conditional approval and shall recommend the conditions of such approval, if any; or if recommended for disapproval, shall express its reasons therefore.
6. The action of the Commission shall be noted on three (3) copies of the preliminary plat. One (1) copy shall be returned to the subdivider, and two (2) copies forwarded to the Council.
7. The Council shall consider the recommendation of the Commission and shall take action on the application within sixty (60) days of its filing with the Zoning Administrator. If the Commission has not recommended approval, the Council may approve said plat only by a three-fourths (3/4) vote of the entire Council. The action of the Council shall be recorded on the copies forwarded by the Commission and one copy each shall be kept as permanent records by the City Clerk and by the City Engineer.
8. Approval of a preliminary plat shall be effective for a maximum period of twelve (12) months except that submission within this period of a final plat applying to at least a portion of the area covered by the preliminary plat shall extend the effective period of approval to a maximum of sixty (60) months from date of approval.
9. Approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

C. Final Plat

1. The owner or subdivider shall file sixteen (16) copies of the final plat, the reproducible original, , the appropriate fees, and a performance guarantee for public improvements with the Zoning Administrator at least two (2) weeks before the next regularly scheduled Commission meeting. The final plat shall conform substantially to the preliminary plat as approved.

2. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at one time, provided that such portion shall conform to all requirements of this Ordinance.
3. The Zoning Administrator shall refer one (1) copy of the final plat to the Mayor, one (1) copy each to the Commission members, one copy (1) to the City Planner, two (2) copies to the City Engineer, and one (1) copy to the City Solicitor for their review and report.
4. The Commission, City Solicitor, the City Planner, and the City Engineer shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved and that it meets all ordinances and regulations of the City. If the Commission recommends approval, such approval shall be entered upon the reproducible originals by the Chairman. If the Commission disapproves, it shall transmit its reasons to the Council and provide the applicant a copy. The Commission shall act on the final plat within thirty (30) days of filing.
5. Within sixty days of filing, the Council shall take action. If the Council approves, such approval shall be duly entered by the Mayor and City Clerk. Approval by the Council shall be by resolution setting forth all conditions upon which approval is predicated. If the Council disapproves, it shall set forth its reasons and provide the applicant and Commission with a copy.
6. The final plat shall not be recorded until the performance guarantee for public improvements is accepted by the Council. A certificate to that effect shall be issued by the City Clerk on demand and shall accompany the final plat.

D. Filing

1. The final plat, if approved, shall be filed with the Marshall County Recorder and Auditor. Any approval of the final plat by the Council shall be null and void if the plat is not recorded within sixty (60) days after the date of approval. A reproducible signed copy of the final plat, after the plat has been recorded, shall be filed with the City Engineer. No building permit shall be issued nor construction started until the recorded duplicate has been returned to the City Engineer.
2. Approval of the final plat shall not be deemed to constitute or effect acceptance by the City of any improvement shown on the plat.

ARTICLE 4, PRESENTATION REQUIREMENTS FOR PLATS

The Plats shall be prepared at either a size of 11" x 17" or multiples thereof and at a minimum scale of one (1) inch equals one hundred (100) feet on a suitable reproducible base as specified by the City Engineer. Plats shall contain the following information:

A. Preliminary Plat

1. Identification and Description
 - a. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat heretofore recorded in the City.
 - b. Legal description including location by section, township and range.
 - c. Names, addresses and phone number of the owner, subdivider, planner, engineer, and surveyor of the plat.
 - d. Graphic scale, north point, and date of survey.
 - e. Boundary line of proposed subdivision clearly indicated by bearings and distances to section lines or fractional congressional corner.
 - f. Total acreage of the proposed subdivision.
2. Existing conditions in tract and in surrounding area to a minimum distance of three hundred (300) feet.
 - a. The name and location of adjacent subdivisions.
 - b. Platted streets, railroad rights-of-way, easement lines of record limited to the plat itself, parks and schools.
 - c. Boundary lines of adjoining land.
 - d. Location, size and approximate invert elevations of sewers, water mains, culverts, gas mains, drains, transmission lines or other underground facilities.
 - e. Permanent buildings, structures, hydrants and utility poles and lines, limited however to the plat itself and the surrounding area to a minimum distance of fifty (50) feet.
 - f. Lakes, watercourses, marsh areas, rock outcrop, wooded areas,

isolated trees of one foot or more diameter, contours at vertical intervals of not more than two (2) feet with drainage indicated at all subject property boundaries, indication of top of banks and toe of steep slopes, and such other information as soil tests or depth to ground water if requested by the Commission or City Engineer to aid in their review. All elevation data shall be mean sea level or other workable datum approved by the City Engineer.

- g. The existing zoning classification of the tract and adjoining properties.

3. Proposed Subdivision Design Features

- a. Layout, numbers and dimensions of all lots.
- b. Location and area of all land intended to be dedicated to public use or reserved in the deeds for use of all property owners in the subdivision.
- c. Proposed layout and width of all improvements including streets and easements showing street numbers or names, parks, walkways, and other public areas in conformance with the City's Comprehensive Plan. The name of any street heretofore used in the City shall not be used or be similar in pronunciation to the name of an existing street, unless the proposed street is an extension of an already named street, in which event that name shall be used. The street layout shall include all contiguous land owned or controlled by the subdivider and be shown in relation to streets and alleys of adjacent subdivisions. In addition, the City Engineer shall advise the subdivider of the extent of the required layout adjacent to the subject property.
- d. Proposed street grades, drainage plan, and erosion control plan.
- e. A general statement with drawings indicating proposed methods of providing water, storm water and sanitary sewage facilities.
- f. A vicinity map at a scale of not less than two thousand (2,000) feet to the inch showing the location of streets, major drainage courses, the location of and distance to the nearest subdivision and how the streets may connect with those of the nearest subdivision.
- g. A draft of restrictive covenants, if any, whereby the subdivider proposes to regulate land use and otherwise protect existing

natural features and future improvements within the proposed development.

- h. The proposed uses of land, giving the type and number of dwelling units and the type of business or industry.

B. Final Plat

- 1. Title under which the subdivider is to be recorded.
- 2. Names and addresses of the owners.
- 3. Date, scale shown graphically, north point, a vicinity map showing the general location of the subdivision and the total area of the plat.
- 4. Legal description including location by section, township and range.
- 5. Boundary line of plat with distances and bearings and tied to corners of sections or half-sections.
- 6. The location and description of all monuments erected.
- 7. The exact length, width, bearing, radii, points of curvatures and tangency, length of arcs, etc. of the lands surveyed and divided, and of all block lines, lot lines, public grounds, streets, alleys, and easements. Dimensions shall be expressed in feet and decimals of a foot, to the nearest one hundredth of a foot.
- 8. Name and number of all streets within and abutting the plat, block and lot numbers.
- 9. Lake or stream shore meander lines, flood plain, floodway, and top and toe of bluffs.
- 10. Accompanying documents shall include an abstract of title, with title opinion of an attorney at law, an instrument of dedication and certified statements of County officials, as well as other attachments required by Section 354.11, Code of Iowa, together with a form of resolution for acceptance of said dedication by the City Council, and a certified statement from the Registered Land Surveyor that the Subdivision Plat complies with the provisions of Chapter 355 Code of Iowa.
- 11. Certifications in substantially the same form as those on file with the City Clerk when requested by the City Solicitor to improve the record and give

proper notice to all concerned parties.

12. Final plans and specifications for improvements, approved by the City Engineer and signed by the owner and subdivider, shall accompany the Final Plat.
13. Meet the requirements of Chapter 354, Code of Iowa.

ARTICLE 5, DESIGN STANDARDS FOR PLATS

The following regulations control the manner in which streets, lots and other elements of the subdivision are arranged on the land.

A. General

1. The subdivision shall conform to the Marshalltown Comprehensive Plan (General Development Plan).
2. The subdivision shall be designed to serve potential building sites in the most advantageous manner.
3. Land subject to flooding, improper drainage, erosion, or of slope deemed unsuitable for residential use, shall not be platted for residential occupancy nor shall such land be platted for other use as may continue such conditions, or increase danger to health, safety, life or property.

B. Streets and Alleys

1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm waters and to the proposed uses of the area to be served.
2. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the lands being subdivided.
3. The following table of standards for street design shall be observed by the subdividers:

Street &	Minimum Right-of-Way Width (lot line to	Minimum Road-Way Width	Maximum	Minimum
----------	--	------------------------	---------	---------

Alley Type	lot line)	(back to back)	Gradient	Gradient
Regional Arterial	120 ft.	69 ft.	4%	0.7%
City Arterial	100 ft.	49 ft.*	4%	0.7%
Collector	80 ft.	45 ft.	6%	0.7%
Industrial	80 ft.	31-45 ft. ***	6%	0.7%
Local Streets	60 ft.	31 ft.	6%**	0.7%
Alley	16 ft.	16 ft.	6% 0.7%	

* 68 ft. where parking is allowed

** Steeper grades to a maximum of 10% may be allowed upon recommendations of the City Engineer

*** Actual width shall be established by the City Council at its discretion.

4. Tangents of at least one hundred (100) feet in length shall be introduced between reverse curves on collector streets and fifty (50) feet on lesser streets.
5. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
6. Local streets shall be so designed that their use by through traffic will be discouraged.
7. Street jogs with center line offsets of less than one hundred thirty (130) feet shall be avoided.
8. Insofar as practical, street intersections shall be at right angles.
9. No dead-end streets shall be approved unless said streets are provided to connect with future streets on adjacent land. In such event, a temporary turn-around shall be provided.
10. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of ninety (90) feet and a minimum street property line diameter of one hundred twenty (120) feet.
11. Half-streets shall be prohibited except where the City finds a better design will result and when the City deems it practical to require the dedication of the other half of an arterial, local or collector street when the adjoining property is subdivided.
12. Where a proposed plat is adjacent to an arterial, the City may require the developer to provide marginal access/frontage streets along the right-of-way of such facilities or they may require that lots should back on the thorough-

fare, in which case, vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.

13. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
14. Curb lines at street intersections shall be rounded to a minimum of 25 feet.
15. The provision for alleys shall be discouraged.
16. A building set-back line safeguarding future street widening or other improvement may be required by the City.
17. Additional right of way may be required by the City along existing collector and arterial streets to meet the requirements of Article 5.B.3.

C. Public Easements

1. Easements shall be provided for utilities, where necessary. They shall be centered on rear and side lot lines or along the front lot line as required by the utility companies. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way substantially in alignment with the lines of such watercourse, together with such further width for construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.
3. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the City Council may require an easement over and across certain portions of the subdivision lying contiguous to said waterway, the width of which the Council shall determine, for green belt public recreation and public access areas, provided, however, that said purposes shall not include use by any motorized means of transportation, except for maintenance vehicles.
4. Easement widths shall be determined by the City Council as recommended by the City Engineer, except no easement for utility or drainage purposes shall be less than twelve (12) feet in width on rear lot

lines and ten (10) feet in width on side lot lines and the same shall be apportioned between abutting and subject property.

D. Blocks

1. The lengths, widths and shapes of blocks and lots shall provide for adequate building sites suitable to the special needs of the use contemplated; provide for convenient access, circulation, control and safety of traffic, and provide for the limitations and opportunities of topography.
2. Block lengths shall not exceed 1,320 feet and, if possible, shall not be less than four hundred (400) feet in length. In blocks longer than eight hundred (800) feet, a pedestrian crossway with a minimum right-of-way of ten (10) feet shall be required near the center of the block. The use of additional walkways and access ways to schools, parks, scenic points and other destinations may also be required by the City Council.
3. A block shall be so designed as to provide two (2) tiers of lots of appropriate depth, except where a change of land use, severe topographic conditions or a highway necessitates a single tier of lots in the opinion of the Planning Commission. In these cases the lot depth shall be at least twenty-five (25) feet greater than minimum requirements.

E. Lots

1. Every lot shall front on a publicly dedicated street except in planned unit developments according to the City Zoning Ordinance and as approved by the City Council.
2. Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two (2) approximately parallel streets shall be permitted only under unusual circumstances.
3. Minimum lot sizes within the City shall conform to zoning regulations in force. Corner lots shall be platted at least ten (10) feet wider than the minimum lot width required in the zoning ordinance.
4. Residential lots, served by septic systems, shall be a minimum of ninety (90) feet wide at the building line and shall have a minimum area and depth as recommended by the City Engineer, provided further that no such lot shall have an area less than thirty-three thousand (33,000) square feet.
5. Residential lots on major street intersections and at other intersections having restricted vision clearance due to topographic or other conditions may be

required to have a corner radius or other special shape.

F. Public Lands

1. Because subdivision activity creates a need for land space devoted to public use in addition to that ordinarily set aside for streets and easements, the City, or the Marshalltown Community School District, or both acting together, may reserve a part or all of a proposed subdivision for public use such as, but not limited to, parks, schools, or playgrounds. The City, or the Marshalltown Community School District, or both acting together, shall purchase any such reserved land within two (2) years after approval of a final plat adjoining such reserved land. This section shall not apply to easements set forth in Article 5 C.
2. If the reserved area is to be served by any of the streets, sewers, street lights, or other improvements of any subdivision adjacent to it, the proportionate cost shall be born by the City, or the Marshalltown Community School District, or both acting together.

G. Natural Features

In the subdivision of land, due regard shall be shown for all natural features and historic sites which, if preserved, will add attractiveness and stability to the proposed development.

H. Restrictive Covenants

The subdivider is encouraged to further restrict the use of land within the subdivision to achieve better development. However, any covenants which do not assist orderly, efficient, integrated development and promote the general welfare of the community in the opinion of the Commission may constitute grounds for disapproval of the plat.

ARTICLE 6, REQUIRED MINIMUM SITE IMPROVEMENTS

Before the City approves a Final Plat, the subdivider shall give satisfactory assurance of the provision of the following improvements:

A. Monuments

1. Monumentation shall be provided according to Section 355.6 Code of Iowa.
2. A permanent benchmark meeting USGS standards with a brass plate inscribing the number and elevation shall be accessibly placed within subdivisions exceeding one acre when directed by the City Engineer, the

elevation of which shall be referred to the USGS datum and accurately noted on the subdivision plat.

3. All official benchmarks, monuments or triangulation stations shall be preserved in precise location.

B. Grading and Surface Drainage

1. Grading and the provision of surface drainage facilities shall minimize damage to the natural features of the subdivision and avoid erosion onto adjoining properties.
2. Grading shall be accomplished in such a manner as to prevent ponding in excess of eight (8) inches in the event of a complete failure of the storm sewer system.
3. Drainage easements shall be provided in all cases when surface waters from more than two (2) lots are conveyed down a property line.
4. All street and alley rights-of-way shall be graded to full width and to the line and in a manner approved by the City Engineer. The grade of all streets, alleys and sidewalks shall be established by ordinance.
5. Within Flood Plain Overlay Districts indicated on the Zoning Map of Marshalltown principal building sites are to be filled and graded so that the first floor and basement floor will be at a point no lower than one (1) foot above the flood protection elevation for the principal building site and shall be designed to extend at such elevation at least fifteen (15) feet beyond the limits of the anticipated structure. However, no filling or excavation shall be permitted which will adversely affect the capacity of floodways and tributary channels, drainage ditches or other drainage facility. The City Engineer shall approve only those improvements which provide adequate protection from floods.

C. Storm Water Sewerage and Erosion Control

1. The subdivider shall construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with design standards of the city and at sewer grades approved by the city. The design shall be based upon rain storms of ten (10) year frequency and to carry the runoff anticipated from the development of tributary areas at the density indicated on the Comprehensive Guide Plan.

2. The subdivider shall provide at his own cost all storm sewers below 25" in size, and shall pay an amount equal to the cost of the 24" size for all sewers required above the 24" size.
3. The subdivider shall provide an erosion control plan to prevent siltation onto adjacent property, the public street, or into storm water intakes.
4. The subdivider shall provide and maintain, temporary seeding, silt fences, and erosion control matting to prevent erosion until permanent seeding is growing.
5. The subdivider shall provide at their sole cost a subdrain tile line system to provide access from each lot to the storm sewer system. In areas that have storm sewer, tile laterals shall be extended to each lot. In areas that don't have storm sewers, tile line extensions shall be provided behind each curb extending from an existing storm sewer or ditch outlet to each property frontage.

D. Sanitary Sewerage

1. The subdivider shall make adequate provision for the disposal of sanitary sewage from the platted area. He shall at his expense construct a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and laterals to the street right-of-way lines 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 sewerage system shall be constructed in accordance with the design standards of the city and at the sewer grades as approved by the city.
2. The subdivider shall provide at his own cost all sanitary sewers below eleven inches (11") in size and shall pay an amount equal to the cost of ten inch size for all sanitary sewer required above the ten inch (10") size.
3. The Plan and Zoning Commission may waive the requirements of this Section D. When gravity sanitary sewers are not feasible, provided septic systems meet the specifications of the City Engineer as to soil type and density, minimum lot size, drainage area, area density, and such other specifications he may impose. In addition the subdivider shall install a dry sewer that will meet all requirements of Section 6.D.1 above.

E. Water Supply System

Lots shall be served by the Marshalltown public water supply system in accordance with plans and specifications of the city.

F. Street Paving, Curbs, Gutters and Sidewalks

1. The subdivider shall pave all streets with full depth asphalt or concrete paving. The subgrade and street improvement shall be constructed in accordance with the design standards of the city, and shall adequately reflect the classification of the street, its location and anticipated volume of traffic. The installation of the streets shall be under the supervision of the City Engineer and the subdivider shall be required to pay a reasonable charge for the engineering and inspection service.
2. Curbs and gutters shall be required for all lots and on all arterial and collector streets, except if part of a Planned Unit Development.

Curb and gutter shall also be required on the side adjacent to the proposed subdivision when the subdivision abuts an existing platted street with a rural type street cross section unless the topography or other circumstances wouldn't justify such installation. In those circumstances, the developer shall provide the City a payment in the amount equal to those improvements required but not constructed to be placed in an escrow account for the City to use in the future when those improvements are constructed.

3. Sidewalks shall be provided by the subdivider in all residential subdivisions and in all commercial and industrial development areas and in all blocks adjacent to a block containing a school or planned to contain a school. Additional walks shall be provided as required by the City Council.

Commercial and industrial zoned lots and subdivisions shall have a sidewalk system which provides pedestrians a safe access to all buildings from the public street entrances.

For all zoning districts, grading for sidewalk improvements is required at the time of final plat, if sidewalks are not installed at the time of final plat:

- a. Sidewalk must be installed before occupancy of the property is permitted,
- b. Remaining sidewalks must be installed within a period of two years on all undeveloped lots in a subdivision once 70% of the lots in the subdivision have sidewalks,
- c. All sidewalks in a subdivision must be installed within ten years of the date the final plat was approved

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.

1. Disabled Access to Sidewalks by Curb Ramping. Provisions shall be made for curb ramping to sidewalks on all corners at each street intersection and other locations as required by the City Council.

G. Street Lights and Street Name Signs

Street lights shall be provided by the subdivider equal to or exceeding the minimum design standards of the city and the plans of the Commission, if any. Street name signs will be provided by the city.

H. Street Terraces

The street terraces shall be graded and seeded according to city specifications.

I. Public Telephone, Electric Utility (15KV and below), Cable TV, and other Wire Service Utilities.

Underground service shall be required except by variance by the Council. The subdivider shall be responsible for making necessary arrangements for the installation of such facilities, shall assure that they do not interfere with other underground utilities and that incidental appurtenances, such as transformer enclosure, etc. shall be located so as not to be unsightly or hazardous to the public.

J. Major Utility Transmission Lines.

All major utility transmission lines designed to provide utility distribution through a new subdivision shall be placed underground or located so as to provide the least possible effect upon the subdivision.

ARTICLE 7, PROCEDURES FOR IMPROVEMENTS

A. Improvements paid for by Subdivider

Before the submission of the final plat the subdivider shall guarantee the construction of all improvements in accordance with approved plans and specifications and insure completion of the improvements within an approved specified time. All sewers, water lines, drainage facilities, street improvements, sidewalks, street lights and other designated improvements shall, upon inspection, approval and acceptance by the city, become the property of the city.

B. Detailed Engineering Plans

1. All engineering plans shall be submitted on eleven (11) inch by seventeen (17) inch sheets or multiples thereof and shall bear the signature and seal of the Professional Engineer (and architect, if any) under whose directions they were prepared. Two (2) prints of preliminary plans and two reproducible sets of final plans shall be submitted to the City Engineer.
2. The City Engineer shall review the improvement plans for conformance with design standards and other requirements of the City. Other City Development Staff may review the plans for conformance with standards of design with particular attention to location and aesthetic qualities.

C. Construction and Inspection

1. The subdivider or his contractor shall notify the City Engineer when the work is to be started on the construction of any improvement. No substantial deviation from the city approved plans and specifications will be allowed without the written permission of the City Engineer.
2. All public infrastructure construction inspection shall be under the direction of a registered profession engineer provided by the Subdivider. Upon completion of the infrastructure improvements, the Subdivider's engineer shall provide to the City Engineer an Engineer's Statement of Completion, two (2) sets of as built plans for all public infrastructure improvements, completed sewer data sheets and sewer video tapes as required by the Sewer Department, and test results as required by City specifications.
3. The work shall be available for inspection at all times by the City Engineer.
4. The City Council may by resolution accept improvements after receipt of a written notice of a satisfactory final inspection by the City Engineer and the posting of a maintenance guarantee.

D. Guarantee of Performance and Maintenance

1. The subdivider shall guarantee the completion of all required improvements within a period of two years after the approval of the final plat by a construction performance bond, subdivision bond or certified check. Said guarantee shall be in the amount of 100% of the estimated construction costs of such uncompleted improvements as determined by the City Engineer.
2. The subdivider shall provide a maintenance bond in the amount of 100% of the construction cost of all sewers and street improvements. The maintenance period for all sewer improvements and all street and sidewalk improvements shall be **one year**.

3. If the required improvements are not completed within the required time or if improvements are not satisfactorily maintained for the required time, the subdivider shall be automatically in default and the guarantee of performance shall be applied by the City to the costs of completing or restoring said improvements.

ARTICLE 8, ADMINISTRATION

A. Enforcing Officer and Appeals

The Director of Public Works upon recommendations of the Planning Commission and in conformity to the provisions of this ordinance is hereby designated as the enforcing officer for the administration of this ordinance. Any party having an interest in any matter dealt with by the provisions of this ordinance and aggrieved by a decision of the Zoning Administrator, the Planning Commission, the Director of Public Works, or officer delegated to issue permits of any kind hereunder, may file a written appeal within forty-five (45) days thereafter to the City Council. The City Council after giving a ten (10) day published notice shall conduct a public hearing on such appeal and shall receive and consider the proofs offered for or against the decision appealed from and determine the same by majority vote of the whole number of council members. The person aggrieved, if the council vote is unfavorable, may within thirty (30) days further appeal to the District Court under certiorari for review of the council's action.

B. Building and Occupancy Permits

No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this Ordinance have been fully complied with. No certificate of occupancy shall be granted for the use of any structure within any subdivision approved for platting until required utilities and roadways have been installed and made ready for service to the property.

C. Variances and Exceptions

When the subdivider can show to the Planning Commission that a provision of these regulations, or provisions, if strictly enforced, would cause unnecessary hardship because of topographic or other non-created or non-self-inflicted conditions peculiar to the site being developed, and a variance or exception can be permitted without destroying the intent of this Ordinance, nor interfere with carrying out the Comprehensive Plan, the Planning Commission may make such variance or modification of the development plan so that such hardship may be

relieved and the public interest served, but such waiver or modification shall not authorize or release the requirements for the public improvements as are required under this Platting Ordinance.

D. Planned Unit Development Under Zoning Ordinance

1. The provisions of this ordinance establish requirements concerning the platting of lots for sale and the construction of public improvements to service the lots in order to improve the development of the City. To encourage even better development a Planned Unit Development procedure is established which will provide more flexibility in the application of these provisions.
2. Provisions for Planned Unit Development shall be as described in the City of Marshalltown, Iowa, Zoning Ordinance. Under certain procedures and conditions specified therein these Land Subdivision Regulations may be modified for a specific development only. Modifications may include, but are not limited to: lots of smaller size, private utilities, more than one principal structure on each lot and lots which do not abut a dedicated public street. In essence, the approved drawings and accompanying materials become the zoning provisions and land subdivision regulations for the affected development.

E. Auditor's Plats

Auditor's plats as are required under Section 354.13, Code of Iowa, shall not be filed and recorded unless and until the same shall have been reviewed and approved by the City Plan and Zoning Commission and the City Council as required by Section 354.15 Code of Iowa.

F. Amendments

Prior to amending the subdivision regulations the City Council shall refer the proposals to the Planning Commission for its recommendation.

G. Validity

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

H. Penalties

1. Any person who violates any of the terms or provisions of this Ordinance shall

be charged with a misdemeanor, punishable by a fine of not more than one hundred (\$100) dollars or by imprisonment not exceeding thirty (30) days.

2. In the event of a violation or threatened violation of this Ordinance, the City Council or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Solicitor to prosecute such action.
3. In addition to any other penalty herein violation of the terms or provisions of this ordinance is a Municipal Infraction.

Section 2. The Code of Ordinances of the City of Marshalltown, Iowa, is amended by repealing Ordinance Number 12288.

Section 3. This Ordinance shall take effect and be in force from and after the date of its adoption and publication.

Passed this 26th day of February, 2001, and signed this 1st day of March, 2001.

Tom Curley, Mayor Pro-tem

Attest: _____
Shari Coughenour, City Clerk