

CHAPTER 165

SUBDIVISION REGULATIONS

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165.01 SHORT TITLE. This chapter shall be known and may be cited as “The City of Danbury, Iowa, Subdivision Control Ordinance.”

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

(Code of Iowa, Sec 354.1 and 364.1)

165.03 APPLICATION. Every owner who divides any original parcel of land, 40 acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City or; (i) within two miles of the corporate limits of the City; (ii) within the described boundaries as follows; (iii) within the described tract(s) of land as follows; shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plan on record.

(Code of Iowa, Sec 354.9)

165.04 RECORDING OF PLAT. No subdivision plat, resubdivisions plat or street dedication within the City, or (i) within two miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor. (ii) Within the following described boundaries: (iii) (list area boundaries), as recorded in the office of the County Recorder and filed with the County Auditor, (iv) within the following described tract(s) of land: (list legal description of tracts), as recorded in the office of the County Recorder and filed with the County Auditor,

as proved in Section 354.9, *Code of Iowa*, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plan of such subdivision, resubdivision or

street dedication has been reviewed and approved in accordance with the provisions of this chapter.

Upon the approval of the final plat by the governing body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after 30 days, unless such plat has been duly recorded and evidence thereof filed with the Clerk within such 30 days.

(Code of Iowa, Sec 354.9)

165.05 TERMS DEFINED. For the purposes of this chapter, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, and the plural shall include the singular, the term “shall” is always mandatory, and the term “may” is permissive.

1. “Acquisition Plat” means 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.

(Code of Iowa, Sec.354.2(1))

2. “Aliquot Part” means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

(Code of Iowa, Sec 354.2(2))

3. “Alley” means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

4. “Auditor’s Plat” means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.

(Code of Iowa, Sec (354.2(3))

5. “Block” means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. “Building Lines” means a line on a plat between which line and public right-of-way no building or structures may be erected.

7. “City Engineer” means the professional engineer registered in the State of Iowa designated as City Engineer by the governing body or other hiring authority.

8. “Comprehensive Plan” means the general plan for the development of the community that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the governing body. Such “Comprehensive Plan” shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

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

(Code of Iowa, sec 354.2(5))

10. “Cul-de-Sac” means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

11. “Divisions” means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
(Code of Iowa, Sec. 354.2(6) and 355.1(2))
12. “Easement” means an authorization by a property owner for another to use a designated part of said owner’s property for a specified purpose.
13. “Flood Hazard Area” means any area subject to flooding by a one percent probability flood, otherwise referred to as a 100 year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.
14. “Floodway” means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a 100 year flood without cumulatively raising the waterway surface elevation more than one foot.
15. “Forty-Acre Aliquot Part” means one-quarter of a section.
(Code of Iowa, Sec. 354.2(7))
16. “Governing Body” means the City Council of the City of Danbury, Iowa.
(Code of Iowa, Sec 354.2(8))
17. “Government Lot” means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
(Code of Iowa, Sec 354.9(9) and 355.1(3))
18. “Improvements” means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, sidewalks, walk ways, water mains, sewers, drainage ways, and other public works and appurtenances.
19. “Lot” means a tract of land represented and identified by number or letter designation on an official plat.
(Code of Iowa, Sec. 354.2(10))
20. “Lot, Corner” The term “corner lot” means a lot situated at the intersection of two streets.
21. “Lot, Double Frontage” The term “double frontage lot” means any lot that is not a corner lot that abuts two streets.
22. “Metes and Bounds Description” means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
(Code of Iowa, Sec 354.2(11))
23. “Official Plat” means either an auditor’s plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.
(Code of Iowa, Sec 354.2(12))
24. “Original Parcel” means forty acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before (date of original Subdivision Ordinance).
25. “Owner” means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

26. “Parcel” means a part of a tract of land.
(Code of Iowa, Sec 354.2(13))
27. “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 estimated by the City and said surety bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.
28. “Permanent Real Estate Index Number” means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the *Code of Iowa*.
(Code of Iowa, Sec. 354.2(14))
29. “Planning Commission” means the appointed commission designed by the governing body for the purpose of this chapter, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.
30. “Plat” means a map drawing, or chart on which a sub divider’s plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.
31. “Plats Officer” means the individual assigned the duty to administer this chapter by the governing body or other appointing authority.
32. “Plat of Survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
(Code of Iowa, Sec. 354.2(15) and 355.1(9))
33. “Proprietor” means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement or lien interest.
(Code of Iowa, Sec 354.2(15))
34. “Resubdivision” means any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.
35. “Street” means public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
36. “Street, Arterial” means a street primarily intended to carry traffic from one part of the City to another and not intended to provide access to abutting property.
37. “Street, Collector” the term “Collector Street” means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
38. “Street, Local” means a street primarily designed to provide access to abutting property.
39. “Subdivider” means the owner of the property being subdivided, or such other person or entity empowered to act on the owner’s behalf.

40. "Subdivision" means a tract of land divided into three or more lots.
(*Code of Iowa, Sec. 354.2(18) and 355.1(11)*)
41. "Subdivision Plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.
(*Code of Iowa Sec. 354.2(18) and 355.1(11)*)
42. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the *Code of Iowa*.
(*Code of Iowa, Sec. 354.2(19) and 355.1(12)*)
43. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.
(*Code of Iowa, Sec. 354.2(20)*)
44. "Utilities" means systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

165.06 IMPROVEMENTS REQUIRED. The subdivider shall, at said subdivider's expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

165.07 INSPECTION. All improvements shall be inspected to insure compliance with the requirements of this chapter. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

165.08 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. Streets and alleys. All streets and alleys within the plated area which are dedicated for public use shall be brought to the grade approved by the governing body after receiving the report and recommendations of the City Engineer.
2. Roadways. All roadways shall be surfaced with Portland cement concrete or with asphaltic concrete over a crushed stone base as the governing body may require.
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 governing body after receiving the report and recommendations of the City Engineer. Newly constructed curbs and gutters shall comply with the Americans With Disabilities Guidelines (ADAAG).
4. Sidewalks. Sidewalks may be required by the governing body if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the governing body after receiving the report and recommendations of the City Engineer.
5. Water lines. 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 Water Department standards, procedures and supervision.

6. Sewers.
 - A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer systems as 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 governing body and the State Department of Health and the construction subject to the supervision of the Superintendent of Public Works.
 - B. Where sanitary sewers are not available, other facilities, as approved by the governing body and the State Department of Health must be provided for the adequate disposal of sanitary wastes.
 - C. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the governing body and to the supervision of the Superintendent of Public Works.

165.06 COMPLETION OF IMPROVEMENTS. Before the governing body shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the governing body. Before passage of said resolution of acceptance, the Superintendent of Public Works shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

165.10 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the governing body guaranteeing that improvements not completed will be constructed within a period of one year from final acceptance of the plat, but 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 the City.

165.11 MINIMUM STANDARDS. The following standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

1. Relation to existing street.
 - 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 the 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 of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the governing body to meet a particular situation where topographical or other conditions made 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 building lots such parcels shall be divided so as to allow for the opening 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. Local Streets.
- A. Local 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. Such streets shall not be longer than 500 feet and shall terminate with a turn-around, having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet. The right-of-way width of the straight portion of such streets shall be a minimum of 50 feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than 20 feet.
4. Frontage Streets.
- A. Where a subdivision abuts or contains an existing or proposed arterial street, the governing body may require marginal access streets, reverse frontage with screen planting contained in a nonaccess 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 railroad right-of-way or limited access highway right-of-way, the governing body 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 park purposes in residential 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 other requirements of these regulations, and where the governing body finds it will be practicable to require the dedication of the other half when the adjoining property 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 jobs with centerline offsets of less than 125 feet shall be avoided.
- B. A tangent at least 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 10 degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 200 feet for minor and collector streets, and of such greater radii as the governing body shall determine for special cases.
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 60 degrees.
 - C. Property lines at street intersections shall be rounded with a radius of 10 feet, or of a greater radius where the governing body may deem it necessary. The governing body may permit comparable cutoffs or chords in place of rounded corners.
8. Street names. Streets that are in alignment with others already existing and named 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 governing body.
9. Street grades.
- A. Street grades, wherever feasible, shall not exceed five percent, with due allowance for reasonable vertical curves.
 - B. No street grade shall be less than one-half of one percent.
10. Alleys.
- A. Alleys shall be provided in commercial and industrial districts, except that the governing body may waive this requirement where other definite and assured provision is 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 20 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 movements.
 - D. Dead-end alley shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the governing body.
11. Blocks.
- A. No block may be more than 1,320 feet or less than 500 feet in length between the center lines of intersecting streets, except where, in the opinion of the governing body, extraordinary conditions unquestionably justify a departure from these limits.
 - B. In blocks over 700 feet in length, the governing body may require at or near the middle of the block a public way or easement of not less than 10 feet in width for use by pedestrians and/or as an easement for public utilities.
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.

- (1) Residential lots where not served by public sewer shall not be less than 80 feet wide nor less 10,000 square feet 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 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 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 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 shall be shown on all lots within the platted area. The governing body may require building lines in accordance with the needs of each subdivision.
 14. Easements
 - A. Easement across lots or centered on rear or side lot line shall be provided for utilities where necessary and shall be at least 10 feet wide.
 - B. 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 conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.
 15. Plat markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the governing body. The markers shall be of such material size and length as may be approved by the governing body.

165.12 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the governing body, the owner and subdivider shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

165.13 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the Clerk. The conference should be attended by the Clerk and such other City or utility representatives as is deemed desirable; and by the owner and said owner's engineer and/or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

165.14 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

165.15 PRESENTATION TO PLANNING COMMISSION OR CITY COUNCIL. The subdivider may present the sketch plan to the governing body for review, prior to incurring significant costs preparing the preliminary or final plat.

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

1. Minor Subdivision. Means any subdivision that contains not more than four lots fronting on an existing street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.
2. Major Subdivision. Any subdivision that, in the opinion of the governing body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

165.17 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision or an auditor's plat may elect to omit the submission of a preliminary plat.

(Code of Iowa, Sec.354.6)

165.18 REQUIREMENTS OF A PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk four copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearing angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitation.

8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.
10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals of not more than two feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five feet if the general slope is 10 percent or greater, unless the Council waives this requirement.

165.19 REFERRAL OF PRELIMINARY PLAT. The Clerk shall forthwith refer two copies of the preliminary plat to the City Engineer and two copies to the governing body.

165.20 ACTION BY THE CITY ENGINEER. The City Engineer shall carefully examine said preliminary plat as to its compliance with Section 354.8 of the *Code of Iowa* and the laws and regulations of the City, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City Engineer's findings in duplicate to the governing body together with one copy of the plat received.

(Code of Iowa, Sec 354.8)

165.21 ACTION BY THE GOVERNING BODY. The governing body shall, upon receiving the report of the City Engineer, as soon as possible, but not more than 30 days thereafter, consider said report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass upon the preliminary plat as originally submitted or modified. If the governing body does not act within 30 days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional 60 days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. In the event that substantial changes or modifications are made by the governing body or disapproval of the plat, it shall give its reasons therefore and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. If approved, the governing body shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.
3. The action of the governing body shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other copy retained by the governing body.
4. The "Conditional Approval" by the governing body shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

165.22 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 the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

165.23 REFERRAL FINAL PLAT. The subdivider shall, within 12 months of the “Conditional Approval” of the preliminary plat by the governing body prepare and file four copies of the final plat and other required documents with the City Clerk as hereafter set forth, and upon the subdivider’s failure to do so within the time specified, the “Conditional Approval” of the preliminary plat shall be null and void unless an extension of times is applied for and granted by the governing body. Upon receipt of the final plat and other required documents, the City Clerk shall transmit two copies of the final plat to the governing body for its recommendations and approval.

Except for a final plat for a minor subdivision or an auditor’s plat as set forth herein, no final plat shall be considered by the governing body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

At its discretion the governing body may refer the final plat to the City Engineer pursuant to the procedure established in 165.18.

165.24 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of chapter 355, of the *Code of Iowa*, and shall be clearly and legibly drawn to a scale of not more than 100 feet to 1 inch with permanent ink on a reproducible tracing material. It shall show:

(Code of Iowa, Sec. 354.8 and 355.8)

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.
5. The signature and acknowledgment of the subdivision land owner and the subdivision land owner’s spouse.
6. A sealed certification of the accuracy of the plat and that the plat conforms to section 354.8 of the *Code of Iowa* by the professional engineer or land surveyor who drew the final plat.

165.25 FINAL PLAT ATTACHMENTS. Information to be Provided in Accompanying Material. The following material shall be submitted with the final plat:

1. A correct description of the subdivision land.
(Code of Iowa, Sec. 354.6(2))

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.

(Code of Iowa, Sec. 354.11[1a])

3. 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.

(Code of Iowa, Sec. 354.11[1b])

4. 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.

(Code of Iowa, Sec. 354.11[1c])

5. 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*.

(Code of Iowa, Sec. 354.11[1f])

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

7. A statement by the Auditor approving the name or title on the subdivision plat.

(Code of Iowa, Sec. 354.11[1e])

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

(Code of Iowa, Sec. 354.11(5))

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

10. 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 50 foot horizontal scale and a five foot vertical scale with west or south at the left.

11. A certificate by the City Clerk or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Clerk, or that the governing body 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.

12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, *Code of Iowa*.

(Code of Iowa, Sec 354.11(2) and 354.12))

165.26 ACTION BY THE GOVERNING BODY. Upon receipt of the plat, but not more than 60 days following submission of the final plat to the Clerk as stated in 165.23 the governing body shall either approve or disapprove the final plat.

(Code of Iowa. Sec.354.8)

1. In the event that said plat is disapproved by the governing body, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. In the event that said plat is found to be acceptable and in accordance with this chapter, the governing body shall accept the same.
3. The passage of a resolution by the governing body accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Woodbury, County, Iowa, and shall file satisfactory evidence of such recording before the City shall recognize the plat as being in full force and effect.

165.27 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 governing body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. Proved, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. Such variances and waivers may be granted only by the affirmative vote of three-fourths of the members of the governing body.

165.28 CHAIN SUBDIVIDING. No more than two building permits for each separate tract existing at the effective date of this chapter shall be issued unless the tract has been platted in accordance with this chapter; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by the restricted residence district ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

165.29 EXTRATERRITORIAL REVIEW AGREEMENT.

1. The City may negotiate an extraterritorial review agreement between the City of Danbury, Iowa and Woodbury County for the standards and conditions applied by the City for review and approval of a subdivision as provided in Section 354.9 of the *Code of Iowa*.
2. The City of Danbury shall apply the same standards and conditions for review and approval of a subdivision in the extraterritorial review area as established in Section 165.04 of the City Code.
3. 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 the subdivision in the extraterritorial area. Such resolutions shall be certified and recorded with the plat.
4. Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions with the City unless waived by the governing body.

(Code of Iowa, Sec. 354.8 and 354)