165.67 SUBDIVISION REQUIREMENTS. Whenever land within the platting jurisdiction of the City of Hiawatha is proposed for division into two (2) or more lots, the subdivider shall comply with the following ~~the~~ subdivision requirements for the City of Hiawatha.

1. Pre-Application Conference. The owner and subdivider shall schedule a pre-application conference with the City. The conference should be attended by the City and utility representatives, the subdivision owner and the engineer and/or planner representing the owner, 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.

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

3. Presentation to Commission and Council. The subdivider may present the sketch plan to the Commission and City Council for review prior to incurring significant costs preparing the preliminary or final plat.

4. Subdivision Classified. Any proposed subdivision or resubdivision shall be classified as a minor subdivision or a major subdivision.

A. Minor Subdivisions. Any subdivision which contains not more than four (4) lots fronting on an existing street and which does not require construction of any public improvements, and which does not adversely affect the remainder of the parcel shall be classified as a minor plat.

B. Major Subdivision. Any subdivision which, in the opinion of the City Council, does not for any reason meet the definition of a minor plat shall be classified as a major subdivision.

5. Plats Required. In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this Cehapter. 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 may elect to omit the submission of a preliminary plat.

6. Requirements of the Preliminary Plat. The subdivider shall prepare and file with the City Clerk, twenty-five (25) copies of the preliminary plat, drawn at a scale of one-inch equals one hundred feet (1″ = 100′) or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24″ x 36″). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. The preliminary plat shall be clearly marked "Preliminary Plat" and shall show or have attached thereto all of the following:

A. Title. Tile, scale, north point and date.

B. Name. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.

C. Identification of Subdivider. The name and address of the owner, and the name, address and profession of the person preparing the plat.

D. Key Map. A key map showing the general location of the proposed subdivision in relation to surrounding development.

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E. Adjacent Property. The names and locations of adjacent subdivisions and the names of owners or record and location of adjoining parcels of unplatted land. A list of all owners of record of property, whether platted or unplatted, located within two hundred (200) feet of the subdivision boundary shall be attached. Within 3 days of filing a preliminary plat with the City Clerk, the subdivider shall provide to each of the owners described in the prior sentence written notice indicating that a preliminary plat has been filed and that a copy of the preliminary plat is available for inspection at City Hall. The notice must be sent by certified mail to the owners at addresses shown on the records of the Linn County Auditor, and a copy of each Certified Mail Receipt and one copy of said notice shall be filed with the Clerk within ten (10) days of filing preliminary plat. Each amendment to the preliminary plat that is filed with the Clerk requires a new notice to be provided to the owners in the manner set forth in this subsection, except that the notice shall indicate that an amendment to the preliminary plat has been filed and that a copy of the amended preliminary plat is available for inspection at City Hall. Each preliminary plat and amendment shall contain the subdivider's verification that these notice requirements have been satisfied.

F. Existing Features. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.

G. Zoning. Existing and proposed zoning of the proposed subdivision and adjoining property.

H. Contours. Contours at vertical intervals of not more than five (5) feet unless there exists unusual circumstances, where contours at vertical intervals of two (2) feet may be required.

I. Legal Description. The legal description of the area being platted.

J. Boundary Lines. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.

K. Lots. The layout, numbers and approximate dimensions of proposed lots.

L. Streets. The location, width, dimensions and preliminary alignment and grades of all streets and alleys proposed to be dedicated for public use.

M. Street Names. The proposed names for all streets in the area being platted.

N. Utilities. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.

O. Easements. Proposed easements, showing locations, widths, purposes and limitations, as well as letters from the appropriate utilities approving the easements as shown.

P. Public Uses. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.

Q. Protective Covenants. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

R. Other. Any other pertinent information, as necessary.

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S. Fee. The fee, as required by this chapter.

7. Procedures for Review of Preliminary Plats. The following procedure shall be used in review of a preliminary plat:

A. Copies Filed. The City Clerk upon receipt of twenty-five (25) copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward the remaining copies of the plat to the Plats Officer.

B. Review Copies Provided. The Plats Officer shall provide copies of the plat to the Planning and Zoning Commission, City Engineer, the City Council, the Mayor, and such other persons as necessary to review the plat and shall schedule the plat for consideration by the Commission.

C. Planning and Zoning Commission. The Commission shall examine the plat and the report of the City Engineer and such other information as it deems necessary or desirable to ascertain whether the plat conforms to the ordinances of the City and conforms to the Comprehensive Plan, City Standards and other duly adopted plans of the City. The Commission shall, within sixty (60) days of the filing of the plat with the Clerk, forward a written report and recommendation regarding the plat to the Council. If such recommendation is to disapprove or modify the plat, the reasons therefore shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.

D. City Council. The City Council shall examine the plat, the report of the City Engineer, the report of the Commission and such other information as it deems necessary or desirable. Upon such examination, the City Council shall ascertain whether the plat conforms to the ordinances and City Standards, conforms to the Comprehensive Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City, in order to protect the public health, safety and welfare. Following such examination, the City Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the City Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the City Council, and such decisions shall be provided to the applicant. Action on the preliminary plat by the City Council shall be taken within ninety (90) days of the filing of the plat with the City Clerk, unless such time period is extended by agreement between the subdivider and the City.

8. Duration of Approval of Preliminary Plat. An approved preliminary plat shall be valid for not longer than two (2) calendar years after the date of City Council approval. All approved preliminary plats, or portions thereof, shall be filed with the Linn County Recorder within one (1) calendar year after the date of City Council approval. If at least some portion of such approved preliminary plat is not approved in final form within two (2) calendar years after the date of City Council approval, the preliminary plat shall be null and void, and the subdivider or developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning and subdivision regulations, expect upon application an extension of such period of validity by the Subdivider, and approved of same by the City Council. If some portion of an approved preliminary plat is approved in final form within two (2) years after the approved preliminary plat is approved by the City Council, the approved preliminary plat shall continue to be valid for five (5) years from the date of such portion of the approved preliminary plat that receives final approval. Revisions, modifications, or amendments to a preliminary plat that revise, modify or amend the preliminary plat shall be valid for five (5) years from the date of such approval by the City Council. The provisions of this section are applicable to existing preliminary plats which

have been approved by the City Council and to preliminary plats that have been filed with the City at the time of the enactment of this amendment (July 18, 2012).[MP1]

9. Authorization to Install Improvements. No improvement shall be constructed or installed until and unless the plans, profiles, cross-sections and specifications for the construction of such improvements have been submitted to and approved by the City Council. The approval of the preliminary plat by the Commission and the City Council and the City Council's approval of the plans, profiles, cross-sections and specifications for the construction of such improvements shall constitute authorization by the Council for the installation of such improvements.

10. Completion and Acceptance of the Improvements. Before the City Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution and acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, (as well as) the agreements between the subdivider and the City.

11. Performance Security. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond, certified check, cashier's check or letter of credit with the City, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat, but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

~~12. Alternate Assessment Waiver Agreement. As an alternative, at the sole discretion of the Council, the owner shall enter into an agreement with the City, which agreement shall be binding upon the owner and all subsequent purchasers of any portion of the subdivision and shall run with the land, to accept an assessment equal to the actual cost of constructing said improvement and furthermore, will waive the limitation provided in Section 384.62 of the *Code of Iowa* that an assessment may not exceed twenty-five percent (25%) of the value of the lot, as said waiver is provided for in Section 384.38 of the *Code of Iowa*, which agreement shall be duly acknowledged by the owner and filed of record with the County Recorder as part of the platting proceeding.~~

~~13.~~12. Final Plat Filed. The subdivider shall, within two (2) years from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk twenty-five (25) copies of the final plat and required attachments as set forth in Section 165.67(14)-(16). Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the City Council until and unless a preliminary plat for the area including in the proposed final plat has been approved and has not expired as become void as set forth above.

~~14.~~13. Size and Scale. The final plat shall be drawn at a scale of one inch equals one hundred feet (1″ = 100′) or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18″ x 24″) or smaller than eight and one-half inches by eleven inches (8½″ x 11″) and shall be of a size acceptable to the Linn County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheets, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

~~15.~~14. Final Plat Content. The final plat shall be clearly marked "Final Plat" and shall show the following:

A. Name. The name of the subdivision.

B. Owner. Name and address of the owner and subdivider.

C. Scale. Scale and a graphic bar scale, north arrow and date on each sheet.

D. Monuments. All monuments to be of record, as required by Chapter 354 of the *Code of Iowa*.

E. Boundaries. Sufficient survey data to describe positively the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.

F. Survey Data. All distance, bearing, curve, and other survey data as required by Chapter 354 of the *Code of Iowa*.

G. Adjoining Properties – Resubdivision. All adjoining properties shall be identified and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part of the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision where the name appears on the plat.

H. Streets and Alleys. Street names and clear designation of public alleys.

I. Blocks and Lots. Block and lot numbers.

J. Public Areas. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.

K. Easements. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer, easements for ingress and egress, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

L. Excepted Parcels. All interior excepted parcels clearly indicated and labeled "Not a part of this plat."

M. Reserved Land. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.

N. Accuracy. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

O. Registered Surveyor. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor, and bearing the surveyor's Iowa registration number or seal, and a sealed certificate of the accuracy of the plat by the registered land surveyor who drew the plat.

~~16.~~15. Attachments to the Final Plat. The following shall be attached to and accompany any final plat:

A. Owner's Certificate. A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgment of deeds.

B. Title Opinion. An attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land platted is free from encumbrances, other

than those secured by an encumbrance bond; and, upon request of the City Council, a complete abstract of title.

C. Treasurer's Certificate. 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*.

D. Bond. The encumbrance bond, performance bond, or maintenance bond, or any other bond that is required to be filed, if any.

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

F. City Engineer's Certificate. A certificate by the City Engineer that all required improvements have been satisfactorily completed in substantial accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, construction record drawings for all improvements shall have been provided to the City Engineer. In lieu thereof, the City Clerk may certify that a performance bond, certified check or bank letter of credit guaranteeing completion has been approved by the City Attorney and filed with the City Clerk, or that the City Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.

G. Improvements. Where the improvements have been installed, a resolution accepting and approving such improvements, along with the maintenance bond or other security acceptable to the City as required by this Cehapter.

H. Private Streets or Improvements. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet the standards of the City, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance, shall be required.

I. City Council Resolutions. A resolution and certificate for approval by the City Council and for signatures of the Mayor and City Clerk.

J. Fee. The applicable fee, if any.

~~17.~~16. Procedures for the Review of Final Plats. The following procedure shall be used in the review of a final plat:

A. Copies Filed. The City Clerk, upon receipt of twenty-five (25) copies of the final plat, shall file one copy in the records of the City, shall retain one copy for the public inspection, and shall forward the remaining copies to the Plats Officer.

B. Review Copies Provided. The Plats Officer shall provide copies of the plat to the Commission, City Engineer, the City Council, the Mayor, and such other persons as are necessary to review the plat, and shall schedule the plat for review by the City Council.

C. Plats Officer and City Engineer. The Plats Officer and the City Engineer shall examine the plat as to its compliance with the ordinances and standards of the City, and its conformance with the preliminary plat and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

D. Planning Commission. The Commission shall review the final plat and shall forward a written recommendation thereon to the City Council within sixty (60) days of the filing of the plat with the City Clerk. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

E. City Council Review. Upon receipt of the plat and written reports thereon, the Council shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the City and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, the City Council shall approve the plat and shall cause its approval to be entered on the plat as required by law.

F. Action by City Council. Action on the final plat by the City Council shall be taken within sixty (60) days of the date of filing of the plat with the Clerk, unless such time period is extended by agreement between the subdivider and the City. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Council and such decision shall be provided to the subdivider.

G. Filing Deadlines. All plats to be submitted hereunder shall be filed with the City Clerk no later than twelve o'clock noon on the fourth Monday preceding the Commission meeting at which the owner desires said plat to be considered. Thereafter, the City Engineer or an alternate as designated by City Council shall examine the plat as to its compliance with this chapter and amendments hereto, the major street plan, the existing street system, the good engineering practice, and shall either: (i) submit a report to the Commission, the Mayor, and the members of the City Council, and such other persons as necessary to review the plat, as required above; or (ii) if major deficiencies exist in the plat, return the plat to the owner to correct such deficiencies. If the City Engineer or alternate returns the plat to the owner for the correction of such deficiencies, the owner may resubmit an amended final plat not less than seven (7) days prior to the Commission meeting. The resubmitted plat shall be subject to the same examination by the City Engineer, who shall submit a report to the Commission, Mayor, and City Council, not less than five (5) days prior to the Commission meeting, without further rights to cure deficiencies by the owner. Failure to resubmit an amended final plat within seven (7) days prior to the Commission meeting shall constitute a retraction of the submitted plat.

~~18.~~17. Recording Final Plats. All approved final plats shall be recorded with the Linn County Recorder within one year after the date of City Council approval.

165.68 through **165.69** - Reserved

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