

CHAPTER 165

SUBDIVISION REGULATIONS

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165.01 SHORT TITLE. These regulations shall be known as the “Subdivision Ordinance of the City of Milford, Iowa.”

165.02 JURISDICTION. In accordance with the provisions of Section 354.9 of the *Code of Iowa*, and all amendatory acts thereto, these regulations are adopted by the City governing the subdivision of all lands within the corporate limits of the City and governing subdivision of all lands within two (2) miles of the corporate limits.

165.03 DEFINITIONS. For use in this chapter, the following words and terms are defined.

1. “Architect” means a registered architect authorized to practice architecture as defined by the laws of the State.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, parks, railroad or similar fixed land division and/or the exterior boundaries of the subdivision.
3. “Building lines” are synonymous with setback lines and outline the buildable area of a lot which remains after the required yard areas have been provided for. Building lines shall be shown on all lots intended for residential use of any character and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
4. “City Engineer” means a licensed, professional engineer retained or contracted by the City responsible for planning, design, construction administration and inspection of a city’s current projects and evaluating future infrastructure needs.
5. “Collector streets” means those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance

streets of a residential development and streets for circulation within such a development.

6. "Commission" means the Planning and Zoning Commission of the City.
7. "Comprehensive Plan" means the official plan of the City adopted by the City Council that provides a framework for shaping future growth and change, defines community values, and sets forth a vision for what the City aspires to be and serves as a guide on how to achieve community goals.
8. "Cul-de-sac" means a short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
9. "District" means a section or sections of land area depicted on the Official Zoning Map within which the regulations governing the use of buildings and premises or the height of buildings and area of sites are uniform.
10. "Easement" means a grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation or a certain person and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
11. "Engineer" means a registered engineer authorized to practice civil engineering by the laws of the State.
12. "Lot" means the tract of land within a subdivision marked by the subdivider on the plat as a numbered, lettered or other identified tract of land to be offered for sale, dedication or development.
13. "Marginal access street" means a street that is parallel to and adjacent to a major thoroughfare or highway and which provided access to abutting properties and protection from through traffic, while limiting access to the major thoroughfare.
14. "Minor street" means a street used primarily for access to the abutting properties.
15. "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 being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.
16. "Plat" means a map, drawing or chart showing the subdivision of land into lots.
17. "Primary street" means a roadway intended to carry the highest volume of vehicular traffic at intermediate speeds of thirty-five (35) to fifty (50) miles per hour.
18. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
19. "Street" means a public thoroughfare which affords the principal means of access to the abutting property.
20. "Subdivider" means any person dividing or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.

21. "Subdivision" means a division of a lot, tract or parcel of land into three or more lots, plats, sites for the purpose, whether immediate or future, of sale, lease, conveyance or transfer with the appurtenant streets, alleys and easements, dedicated or intended to be dedicated to public use or for the use of purchasers or owners within the tract subdivided. If a new street is involved, any division of a parcel of land or the division into two or more parts of any residential lot is also deemed a subdivision.
22. "Surveyor" means a registered surveyor authorized to practice surveying as defined by the Registration Act of the State.

165.04 PRELIMINARY PLAT. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the Clerk six (6) paper copies and one electronic copy of a preliminary plat conforming in detail to the requirements set forth in this chapter. Eight (8) paper copies and one electronic copy of the preliminary plat shall be submitted for subdivisions outside of the corporate limits of the City.
2. The Clerk shall forthwith refer two (2) copies to the City Engineer and two (2) copies to the Commission. In the case of subdivisions outside the corporate limits of the City, the Clerk shall also refer two (2) copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plan and actions taken thereon.
3. The City Engineer shall carefully examine said plat as to its compliance with the laws and ordinances of the City, City design standards and maintenance practices, the existing street system and good engineering practices, and shall, as soon as possible, submit findings in duplicate to the Commission.
4. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity thereto to this chapter. The Commission may confer with the subdivider on changes deemed advisable, and the kind and extent of such improvements to be made by the subdivider. The Commission shall approve or reject such plat within forty-five (45) days after the date of submission thereof to the Commission. If the Commission does not act within 45 days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the plat is presented to the Commission within 180 days after date of approval.
5. Before approving a preliminary plat, the Commission may in its discretion hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing.
6. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat together with any detailed construction drawings and specifications for the improvements required under this chapter.

165.05 FINAL PLAT. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a final plat in accordance with the following order and procedure:

1. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information as listed in Section 165.29 of this chapter necessary for detailed engineering consideration of the improvements required under this chapter and obtain the approval of the City Engineer which shall be endorsed thereon.
2. The final plat shall be filed in duplicate together with a certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.
3. The Commission shall then consider the final plat and if the same is approved, shall submit their recommendation of approval to the Council together with a certified copy of their resolution showing action of the Commission.
4. The Council shall then consider the plat and if the same is acceptable and in accordance with this chapter the Council shall accept the same. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.
5. The passage of the resolution by the Council 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 as provided in Chapter 354 of the *Code of Iowa* and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

165.06 DESIGN STANDARDS GENERALLY. The standards and details of design contained in this chapter are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances; however, in the design and development of a plat, the subdivider should use standards consistent with the site conditions as to assure an economical, pleasant and durable neighborhood that is also in congruence with the maintenance practices of the City.

165.07 BLOCKS. Block standards include:

1. Length. No block shall be longer than 1,320 feet except as approved by the Commission.
2. Radius. At street intersections, block corners shall be rounded with a radius of not less than 25 feet; where at any one intersection a curve radius has been previously established, such radius shall be used as standard.

165.08 BUFFERS. Buffers shall be provided for all double frontage lots as provided in subsection 2 of this section. Acceptable buffer methods are as follows:

1. Buffer Wall. Buffer walls shall be not less than 6 feet in height, constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, tile block, etc.; the wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; the use of weather

resistant wood, metal or manufactured substitutes may be used as an accessory material for aesthetic quality.

2. Buffer Park. Buffer parks shall be not less than 60 feet in width; designed and landscaped by a qualified architect, engineer or landscape architect; predominate planting shall be of evergreen type trees, shrubs and plants so as to assure year-round effectiveness; density and height of planting shall be adequate to serve as a solid and unpenetrable screen.

165.09 EASEMENTS. Easements for utilities of not less than 10 feet shall be provided along rear or side lot lines along alleys, if needed and be included in all plats. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall at his or her own expense make adequate provision for straightening or widening the channel so it will properly carry the surface water and shall provide and dedicate to the City an easement along each side of the stream. Such easements shall be for the purpose of widening, improving, maintaining or protecting the stream. The width of such easements shall be not less than 20 feet each, plus the stream design width, and the total width of the easement shall be adequate to provide for any necessary channel straightening or relocation.

165.10 LOTS. Standards for lots are:

1. Width. Corner lots shall be not less than 20 feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.

2. Double Frontage Lots. Double frontage lots other than corner lots are prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots. Such double frontage lots shall be buffered from the rear street frontage by the methods outlined in Section 165.08 of this chapter. Ingress/egress shall be limited to the frontage street and is strictly prohibited on the rear street.

3. Access. Each lot shall be provided by means of a public street with satisfactory access to an existing public street.

4. Width of Frontage. Each lot shall be provided with not less than 20 feet of access frontage to a public street.

5. Minimum Lot Size. No lot shall be less in size or shape than that required to provide an adequate building site in compliance with the Zoning Ordinance.

6. Lot Size. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

A. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of 100 feet measured at the building line, and an areas of not less than 20,000 square feet or the minimum permitted by the Zoning Ordinance, whichever is the larger.

B. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a

minimum width of 80 feet and an area of 10,000 square feet or the minimum permitted by the Zoning Ordinance, whichever is the larger.

7. Side Lines. Side lot lines where possible shall be at right angles or radial to the street lines.

165.11 MONUMENTS. Monuments shall be placed at block corners, point of curves, change in direction along lot lines and at each lot corner in accordance with City specifications.

165.12 FIRE HYDRANTS. Fire hydrants shall be placed so that no lot in a residential subdivision is more than three hundred (300) feet from two (2) fire hydrants, the distance to be measured along street lines. The Council may require special spacing in commercial and industrial districts.

165.13 STREETS AND RIGHTS-OF-WAY. The following regulations apply to streets and alleys:

1. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end.
2. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround may be required.
3. Comprehensive Plan. All proposed plans and subdivisions shall conform to the comprehensive plan.
4. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) to adjoining property at equal or greater width, but not less than 50 feet in width, and in similar alignment, unless variations are recommended by the Commission.
5. Cul-de-sacs. Whenever a cul-de-sac is permitted, such street shall comply with the minimum requirements set forth on Sketch 2 at the end of this chapter as applicable.
6. Dedication. Either a deed or dedication by plat shall be given to the City for all streets and utilities before they will be accepted for City maintenance.
7. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided the other half shall be platted if deemed necessary by the Commission.
8. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a master plan of the entire tract of land under the ownership, mortgage purchase option or other agreements for deed.

9. Major Streets. When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide motor access to such frontage by one of the following means.

- A. A parallel street supplying frontage for lots backing on to the trafficway.
- B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing on to the highways.
- C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- D. A service drive or alley at the rear of the lots.

Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

10. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

11. Physical and Cultural Features. In general, streets shall be platted with appropriate regard to topography, creeks, wooded areas and other natural features which would lend themselves to attractive treatment.

12. Railroads. If a railroad is involved, the subdivision plat should:

- A. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
- B. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back on to the railroad; or form a buffer strip for park, commercial or industrial use.
- C. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back onto the same.

165.14 STREET GRADES. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for primary and secondary streets or ten percent (10%) for collector or minor streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary by the City Engineer; for secondary and minor street, fifteen (15) times. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the City Engineer.

165.15 STREET INTERSECTIONS. Street intersections shall be as nearly at right angles as possible.

165.16 STREET NAMES. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

165.17 STREET WIDTHS. Streets shall have a width and cross-section as shown in the comprehensive plan for the type of street involved, and in any case the street shall be not less than 50 feet in width.

165.18 IMPROVEMENTS REQUIRED.

1. Subdivider's Responsibility. The subdivider is responsible for the installation and/or construction of all improvements required by this chapter and shall warrant the design, material and workmanship of such improvements, installation and/or construction for a period of a minimum of two (2) years after final payment is made to the contractor.

2. Design/Project Supervision. An engineer or resident project representative working under the direct supervision of an Iowa licensed engineer shall be present on site at all times during construction of all improvements required by this chapter. For subdivisions outside of City limits this requirement may be waived by the City Council.

3. Expenses. The subdivider shall reimburse the City for all expenses related to review by the City Engineer, and any and all legal and publication costs related to the subdivision and improvements before acceptance of the improvements.

4. Council Approval. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Option is given to the subdivider to construct and install such improvements before the submission of the final plat and as a condition precedent to the approval of the final plat or, in the alternative, to divide the platted area into portions or sections for the purpose of developing the same and to complete the required improvements in portions of the platted area after approval of the final plat.

5. Completion. In any subdivision for which the subdivider elects to complete the required improvements in portions of the platted area after the approval of the final plat, no building permit shall be issued until sanitary sewer mains, water mains and their appurtenances and street paving with curb and gutter are constructed or a bond furnished as provided herein.

6. Performance Bond Required. The subdivider shall provide a performance bond or irrevocable letter of credit prior to beginning any construction and extending a minimum of one year after the improvements have been completed and the City Engineer has conducted a complete compliance review. Such bond or letter of credit shall be in a form, an amount, and from a company acceptable to and approved by the City Council. Improvements will be accepted only after their construction has been completed and that the Engineer has provided a written report that the improvements were constructed according to City design standards and in accordance with the preliminary and final plats. No public funds will be expended in the subdivision until such improvements have been completed and accepted by the City. Under no

circumstances does the Council or any other City official, employee, board or commission member, or any agent acting on behalf of the City have the authorization to waive the performance bond requirement.

7. **Waiver of Requirements.** The Council may waive the requirements of this chapter, except those pertaining to the performance bond, for the construction and installation of some or all of the improvements in cases of resubdivisions where only the size, shape or arrangement of the lot is being changed; provided, however, such waiver shall be limited to existing improvements in good repair as determined by the City Engineer. Improvements not existing or in poor repair shall meet the requirements of this chapter. The Council may waive the requirements of this chapter for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way of public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

165.19 PLAN REVIEW. All plans, specifications, installation and construction required by this chapter shall be subject to the review, approval and inspection by the City Engineer or other authorized City representative. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the City Engineer, not less than 24 hours in advance of readiness for required inspections.

165.20 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 Council after receiving the report and recommendations of the City Engineer.

165.21 DRAINAGE. All subdivisions shall include storm drainage plans for the positive removal of storm waters. Such plans shall be prepared by a registered engineer and approved by the City Engineer. The following criteria shall be considered minimum standards:

1. Runoff for street and limited area drainage shall be determined by the rational method.
2. Area runoff shall be determined by a suitable empirical formula.
3. Storm frequency chart for determination of rainfall intensity shall be not less than 10 years for the design of storm sewer facilities. *(Ord. 10-26-15 – Feb. 16 Supp.)*
4. The system shall be designed with the use of materials, flow velocities and sizes so as to assure long life, low maintenance and self-cleaning of the drainage facilities. Storm sewers less than 15 inches inside diameter must be approved by the City Engineer.
5. Underground storm drainage facilities shall be located to comply with the “Typical Standards for Utility Locations Within Public Rights-of-way” shown on Sketch No. 1 at the end of this chapter.
6. The runoff from the post-development 100-year storm shall be temporarily retained on-site while outletting at a rate of runoff that does not exceed the pre-development 5-year storm. Detentions/retention facilities shall be designed to meet the requirements of the current edition of the Iowa Storm Water Management Manual. *(Ord. 10-26-15 – Feb. 16 Supp.)*

7. The designing engineer shall upon the completion of construction, certify to the City that the drainage facilities have been constructed and installed in accordance with said engineer's plans and specifications which have been designed to comply with the intent of this chapter. *(Ord. 10-26-15 – Feb. 16 Supp.)*

165.22 GAS MAINS. Gas mains shall be installed underground and located to comply with the "Typical Standards for Utility Locations Within Public Rights-of-way" shown on Sketch No. 1 at the end of this chapter.

165.23 PAVING. The following regulations apply to paving:

1. Concrete pavement shall be designed by a registered engineer in accordance with the *Standard Specifications for Primary and Secondary Roads* of the Iowa State Highway Commission and City design standards, provided, however, that the use of asphaltic concrete must be approved by the City Engineer.
2. The minimum roadway shall be 31 feet unless a greater width is required by the Major Streets Plan. The minimum roadway for alleys shall be 16 feet.
3. The designing engineer shall, at the completion of construction, certify to the City that the pavement has been constructed and installed in accordance with said engineer's plans and specifications.

165.24 SEWER. The following regulations apply to sewers under the jurisdiction of this chapter.

1. Sewer Required. Where a public sanitary sewer is reasonably accessible, the subdivider shall provide each lot in the subdivision with connection to the sewer. Further, where the existing sewer may be reasonably extended through the subdivision so as to provide for continuous future development such provisions shall be made.
2. Location. All sanitary sewers shall be located to comply with the "Typical Standards for Utility Locations Within Public Rights-of-way" shown on Sketch No. 1 at the end of this chapter. All house laterals shall be installed to the right-of-way line prior to paving of the street. Sanitary sewers shall have a minimum diameter of 8 inches and be made available to each lot. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be in accordance with the State Board of Health.
3. SUDAS/Inspection. All sanitary sewers shall be have a visual inspection (lamping), camera inspection, leakage, and deflection test in compliance with SUDAS standards and any applicable ANSI standards (whichever is more strict) before City acceptance with a minimum of two (2) copies of all applicable tests filed with the City Clerk's office.
4. Pressure Testing. All sanitary sewers shall also be pressure tested in compliance with ANSI Standards before City acceptance.
5. Sewer Televising. The subdivider shall have the sewer lines televised before consideration of City acceptance.
6. Certified Copies. The designing engineer shall furnish the City with three (3) certified copies of as-built plans plus one electronic copy and certify that the facilities have been installed in accordance with such plans and specifications. As-built plans

shall specifically show service line stub locations. Furthermore, the subdivider shall provide the City copies of all testing results and tapes of sewer televising before consideration of acceptance.

165.25 SIDEWALKS. All new residential and commercial subdivisions shall have sidewalks installed at the same time the infrastructure is put in. Sidewalks shall be installed a minimum of four (4) feet wide and four (4) inches thick and located on the property line. They shall be sloped to the street at not less than one quarter inch per foot placed over suitable aggregate. All new sidewalks shall be in compliance with Americans with Disabilities Act (ADA) requirements and in accordance with Chapter 136.08 of the Milford City Code of Ordinances.

165.26 UTILITY CABLES. Overhead or underground cables shall be located to comply with the “Typical Standards for Utility Locations Within Public Rights-of-way” shown on Sketch No. 1 at the end of this chapter or shall be placed at the back lot lines within the area of perpetual easement.

165.27 WATER LINES. The following regulations apply to water lines:

1. Connection to Main. Where a public water main is accessible, the subdivider shall connect with such water main and provide a water connection for each lot and stubbed into the proper line in accordance with the water department standards, procedure and supervision.
2. Size Specifications. Water mains shall have a minimum diameter of 6 inches with larger sizes for feeder mains. Water mains shall be located to comply with the “Typical Standards for Utility Locations Within Public Rights-of-way” shown on Sketch No. 1 at the end of this chapter, or shall be placed at the back lot lines within the area of perpetual easement; with a minimum cover of 84 inches. Water lines shall be available to each lot and such service lines shall be installed prior to paving of the street.
3. Certified Copies. The designing engineer shall furnish the City with 3 certified copies of as-built plans plus one electronic copy and certify that the facilities have been installed in accordance with such plans and specifications. As-built plans shall specifically show service line stub locations.
4. The subdivider is required to comply with the Milford Municipal Utilities Water Service Guidelines for Property Construction and Water Service Repair as amended which are incorporated as if fully set forth.

(Section 165.27 – Ord. 9-13-21 – Dec. 22 Supp.)

165.28 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a record plat and shall be submitted for review separately and prior to submission of the final plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider or representative may call at the office of the Commission in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Three (3) copies plus one electronic copy of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one inch equals fifty feet (1” = 50’) on small subdivisions and one inch equals

one hundred feet (1" = 100') on large subdivisions unless otherwise approved by the Commission.

2. Contents of Preliminary Plat. The preliminary plat shall be clearly and legibly drawn and shall be plainly marked "preliminary plat" and shall show the following:

- A. Public Areas. Areas dedicated for public use such as schools, parks, playgrounds and streets.
- B. Boundaries. Boundaries of the proposed subdivision shall be labeled and indicated by a heavy line.
- C. Building Lines. Building setback lines for frontage and side streets.
- D. Buffers. Buffer easement and method where required.
- E. Contour Lines. Contour lines at intervals of not more than 5 feet, MSL datum.
- F. Corner Radii. All corner radii, arcs, points of tangency, central angles, lengths and degree of curves.
- G. Easements. Easements for public utility purposes.
- H. Existing Facilities. Existing buildings, railroads, underground utilities, other rights-of-way and easements.
- I. Other Subdivisions. Location and names of adjoining subdivisions.
- J. Existing Streets. Location, names and widths of all existing and proposed roads, alleys streets and highways adjoining the area being subdivided.
- K. Lot Areas. Lot areas (approximate) of all non-rectangular lots and the area of smallest rectangular lot.
- L. Lot Numbers. All lot numbers shall be shown.
- M. Engineer, Surveyor. Name and address of engineer and surveyor.
- N. Owner. Name and address of recorded owner and/or developer.
- O. General Information. Name of subdivision, date, compass point, scale and official description and acreage of the property being platted.
- P. Property Lines. Proposed lot lines with approximate dimensions.
- Q. Utility Services. Proposed utility service information shall show the following:
 - (1) Source of water supply;
 - (2) Provision for sewage disposal, drainage and flood control.

3. Accompanying Material. The following material shall accompany the preliminary plat:

- A. Abstractor's Title. An abstractor's title together with an attorney's opinion, in duplicate, showing that the fee title to the subdivision is in the

owner as shown on the plat and showing any encumbrances that may exist against said land.

B. Soil Tests. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

C. Topographic Map. A detailed map of the land elevation and features in the proposed subdivision.

D. Restrictions Recorded. Restrictions proposed, if any, to be included in the owner's dedication of the plat.

E. Utility Statement. Written statement by the appropriate officials of the availability of gas and electricity to the proposed subdivision.

F. Statements of Intent. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements required by this chapter. Such statements shall acknowledge required inspections and approvals by the City Engineer.

165.29 FINAL PLAT REQUIREMENTS. When and if the preliminary plat is approved, the subdivider shall submit seven (7) copies and one electronic version of the final plat for review by the Commission. The scale of the map shall be one inch equals one hundred feet (1" = 100') on large subdivisions, unless otherwise approved by the Commission.

1. Contents of Final Plat. The final plat shall be drawn in India ink on reproducible linen or Mylar film on a 24-inch by 36-inch sheet size with a border line allowing a 3-inch binding margin along the left-hand narrow width and a ½-inch margin on the remaining narrow width and two long sides. The following information shall be shown on the plat:

A. Block Lines. Block lines shall be designated by heavy solid lines.

B. Block Corners. Block corners shall be shown rounded by appropriate radius with arc length (A=), chord (ch=), central angle (Δ=), radius (R=), and tangent (T=) shown.

C. Boundary Lines. Boundary lines shall be designated by a heavy line (#3 or #4 pen) of long dash/ two dots, etc., and labeled "Plat Boundary."

(1) Boundary dimensions from angle point to angle point shall be shown for all sides of the closed traverse.

(2) Bearings, based on an assumed meridian approximating north, of all boundary lines or internal angles of all angle points on the boundary shall be shown.

D. Building Lines. Building setback lines for frontage and side streets shall be designated by a fine short dashed line, labeled "Building Setback Line" and dimensioned.

E. Centerlines and Curve Data. Centerlines of all street rights-of-way shall be designated by a fine line (#0 or #00 pen) of long dash / short dash or dot, etc., and dimensions from angle point to angle point, point of curvature to point of tangency, intersection to intersection, or any combination thereof

between intersections with the appropriate bearings, angles, curve data, right-of-way widths and distances clearly shown. Curve data shall include arc length (A=), chord (ch=), central angle (Δ =), radius (R=), and tangent (T=). All points of curvature (P.C.) and points of tangency (P.T.) shall be located and labeled.

F. Certification. Certification by a registered engineer and/or land surveyor in accordance with State law.

G. Easements. Easements for public utilities and drainage facilities shall be designated by fine line (#0 or #00 pen) of medium length dashes and appropriately labeled with reserved width and type of "easement."

H. Fractional Lines. Fractional lines and corners of the government township and section surveys shall be appropriately labeled and dimensioned as applicable to the plat. All plats shall be tied to a known section or fractional corners by distances and bearings or angles.

I. Legal Description. Legal description of the platted area shall be included on the plat.

J. Lot Lines Designated. Lot lines shall be designated by medium fine (#0 or #1 pen) to solid lines.

K. Lots. Lots shall be numbered consecutively, all sides dimensioned. The bearings or corner angles of all lot lines which are not parallel to the block lines shall be shown and lines intersecting a curved line shall be labeled as radial or not radial as applicable. Dimensions of lot lines which are curved shall include appropriate curve data: arc length (A=), chord (ch=), central angle (Δ =); where the radius is not shown elsewhere it shall be shown. The area of all non-rectangular lots shall be shown to the nearest 100 square feet.

L. Permanent Reference Monuments. Permanent reference monuments shall be labeled "P.R.M." and located.

M. Scale. Scale shall be indicated graphically as the scale in feet along with the compass point.

N. Streets. Street names, location, lot designation and right-of-way width for all streets within or abutting the plat shall be shown.

O. Surveyor's Notes. Surveyor's notes shall include the following as appropriate or applicable to the particular plat:

- (1) All bearings are based on an assumed meridian for computation purposes.
- (2) Block corner radii are 25 feet unless noted otherwise.
- (3) Dashed lines shown at the rear or sides of certain lots are easements reserved for the installation and maintenance of public utilities and drainage facilities.
- (4) Any other notes deemed necessary for the particular plat.

2. Accompanying Material. The following material shall accompany the final plat:

- A. Deed. A deed to the City properly executed for all streets intended as public streets and for any other property intended for public use.
- B. Protective Covenants or Restrictions. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
- C. Plans and Specifications. The subdivider shall provide the City a minimum of three (3) copies of complete plans and specifications and any and all associated construction documents.
- D. 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.
- E. 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.
- F. 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.
- G. 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*.
- H. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
- I. Performance Bond.
- J. Drainage Plan. Drainage plans for the positive removal of storm water.

165.30 RECORDING PLAT. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be recorded in the office of the County Recorder and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect. There shall be three (3) copies stamped as approved by the Council. These three (3) copies are to be filed with:

1. City Clerk/Administrator. The original line tracing shall be retained on file by the Clerk.

2. County Recorder. One copy shall be filed with the County Recorder.
3. County Auditor. One copy with accompanying resolution by the Council approving and accepting the plat shall be filed with the County Auditor. This copy must be accompanied by the certificate of the owner and spouse, if any, that the subdivision is with the free consent and in accordance with the desire of the owners.

165.31 FEES. Before a preliminary plat may be considered by the Commission, the subdivider or agent shall deposit with the City a fee in an amount set by resolution of the Council to be credited to the General Fund of the City.

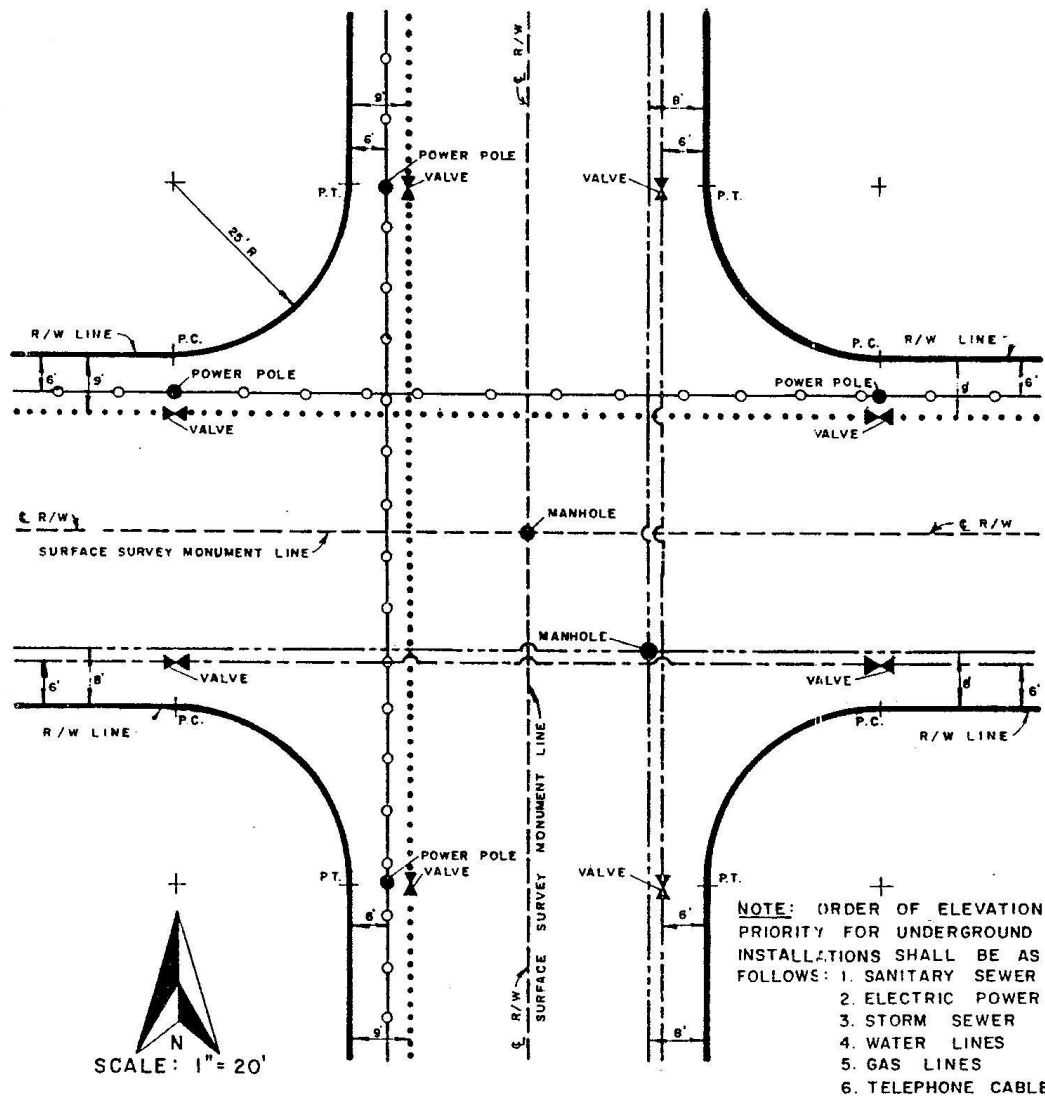
165.32 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Council upon recommendation of the Commission and the City Engineer may vary or modify such requirements so that the subdivider is allowed to develop such property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these regulations is preserved.

165.33 ENFORCEMENT. The following enforcement procedures shall apply:

1. Approval. No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. City Fiscal Liability Limited. The Council shall not permit any public improvements over which it has control to be made from City funds or any City money expended for improvements or maintenance on any street in any area that has been subdivided after the date of the adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Council as a public street.

165.34 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least seven (7) days prior to such hearing.

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TYPICAL STANDARDS FOR UTILITY LOCATIONS WITHIN PUBLIC RIGHTS-OF-WAY

- LEGEND
- DENOTES SANITARY SEWER (UNDERGROUND)
 - DENOTES WATER LINE (UNDERGROUND)
 - DENOTES GAS LINE (UNDERGROUND)
 - DENOTES STORM SEWER (UNDERGROUND)
 - DENOTES TELEPHONE & POWER LINES (ABOVE OR UNDERGROUND)

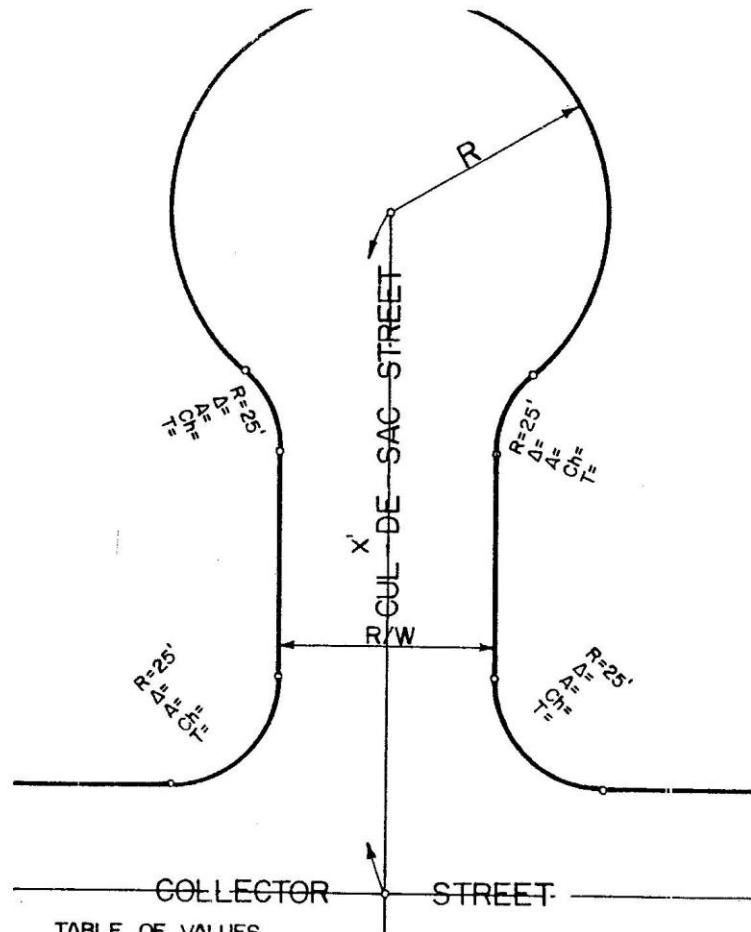


TABLE OF VALUES

| LENGTH OF X (Maximum) | RESIDENTIAL USE | | COMMERCIAL-INDUSTRIAL USE | |
|--------------------------|-----------------|-----|---------------------------|-----|
| | R | R/W | R | R/W |
| 600' | 60' | 50' | 70' | 60' |

STANDARDS
FOR
NORMAL CUL-DE-SAC
RIGHT-OF-WAY

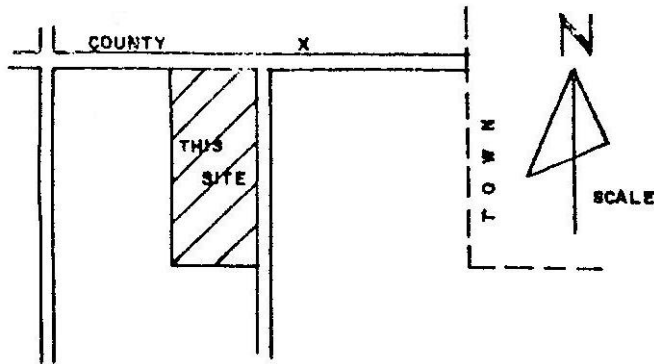
CHECKLIST FOR PLATS

Name of Plat _____

| INFORMATION SHOWN ON PLAT | PRELIMINARY | | FINAL | |
|---|----------------|--------|----------------|--------|
| | OK | Not OK | OK | Not OK |
| Name and Address of Owner and/or Developer | | | Not Applicable | |
| Name and Address of Engineer or Surveyor | | | | |
| Existing Buildings, Streets, Utilities | | | | |
| Adjoining Acreage Parcels – Names of Owners | | | | |
| Contour Lines at Proper Interval | | | | |
| Zoning Classification | | | | |
| Proposed Utility Service Noted | | | | |
| Source of Water Supply | | | | |
| Sewage Disposal Provision | | | | |
| Vicinity Sketch | | | | |
| Plat Boundary in Heavy Line | | | | |
| Adjoining Subdivision(s) Name(s) | | | | |
| Description of Property and Acreage | | | | |
| Names and Width of New Streets | | | | |
| Lot Lines with Dimensions | | | | |
| Public Dedications Designated – Streets, Schools, etc. | | | | |
| Building Setback Lines | | | | |
| Name of Plat, Date, Compass Point, Scale, Lot Numbers | | | | |
| Easements for Public Utilities Identified | | | | |
| Curve data – Angle, Arc, Tangent, Degree of Curve, Radius | Not Applicable | | | |
| Boundary Distances, Bearings, Angles | | | | |
| Certification and Seal of Engineer or Surveyor | | | | |
| All Dimensions | | | | |
| Location and Ties of all Monuments Set | | | | |
| Number of Copies Received | | | | |
| ACCOMPANYING INFORMATION | | | | |
| Attorney’s Opinion in Duplicate | | | | |
| Filing Fee Paid | | | | |
| Plan and Profile Drawings of New Streets | | | | |
| Protective Covenants if Applicable | Not Applicable | | | |
| Statement of Proprietors and Spouses | | | | |
| Deed to Streets | | | | |
| Certificate of County Treasurer | | | | |
| Resolution and Certificate for Approval by Council | | | | |
| Performance Bond, if Applicable | | | | |
| Drainage Plan | | | | |

Checked by _____

Date: _____



PLAT ILLUSTRATION

defines some of the requirements set forth in the text and on the Checklist for both the Preliminary and Final Plats

INFORMATION TO BE SHOWN ON PLATS

Preliminary Plats

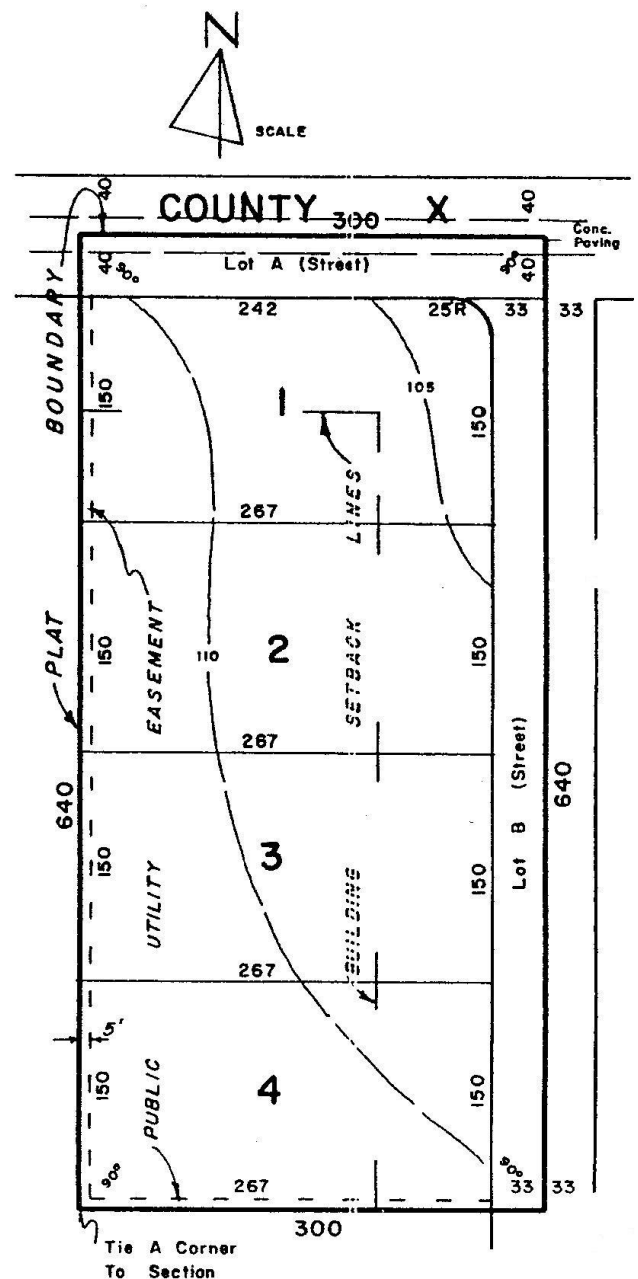
- Name and address of owner and/or developer
- Name and address of engineer or surveyor
- Existing building, paving, utilities
- Adjoining acreage parcels – names of owners
- Contour lines at proper intervals
- Zoning classification
- Source of water supply
- Sewage disposal provision
- Vicinity sketch

Preliminary and Final Plats

- Plat boundary in heavy line
- Adjoining subdivision(s) and name(s)
- Description of property and acreage
- Names and widths of new streets
- Lot lines with dimensions
- Public dedications designated – streets, schools, etc.
- Building setback lines
- Name of plat, date, compass point, scale
- Lot numbers
- Easements for public utilities identified

Final Plats

- Curve data
- Boundary distances, bearings, angles
- Certification of engineer or surveyor
- All dimensions
- Location and ties of all monuments set



[The next page is 831]