



City of  
**GEORGE**  
**IOWA**



*2009*  
***SUBDIVISION***  
***REGULATIONS***



Prepared with Planning Assistance from  
Northwest Iowa Planning &  
Development Commission  
Spencer, Iowa





City of  
GEORGE

**SUBDIVISION  
REGULATIONS  
ORDINANCE**

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**SUBDIVISION REGULATIONS ORDINANCE**  
**FOR THE INCORPORATED CITY OF GEORGE, IOWA**

AN ORDINANCE providing rules and regulations for the subdivision of land in the City of George, Iowa, prescribing minimum standards for the preliminary and final plats; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public in accordance with the city's comprehensive land use plan.

WHEREAS, The city council of George, Iowa, deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities and streets; to promote the general welfare; to facilitate the adequate provision of transportation, water supply, sewage treatment, storm drainage and other public improvements and services in areas of new development and throughout the city.

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

# ARTICLE I

## BASIC PROVISIONS

### Article I: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Interpretation of this Ordinance
- Section 1.4. Jurisdiction
- Section 1.5. Application
- Section 1.6. Conformance to the Comprehensive Plan
- Section 1.7. Restrictive Covenants
- Section 1.8. Recording of Plat
- Section 1.9. Plats Outside of the Corporate Limits

#### **1.1 SHORT TITLE.**

This ordinance may be known and cited as the “George Subdivision Regulations”

#### **1.2. PURPOSE.**

It is deemed essential to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing land uses and developments will be protected and so that adequate provisions are made for public facilities and utilities, and so growth occurs in an orderly manner consistent with the comprehensive plan, and to promote and improve the public health, safety, and general welfare of the citizens of the City of George.

#### **1.3. INTERPRETATION OF THIS ORDINANCE.**

In the interpretation and application of the provisions of this ordinance, such provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

#### **1.4. JURISDICTION.**

In accordance with the provisions of Chapter 354, Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City of George, Iowa, governing the subdivisions of all lands within the corporate limits of the city and all lands within the extraterritorial jurisdictional area.

#### **1.5. APPLICATION.**

Every owner of any tract or parcel of land which has been subdivided or any owner who shall hereafter subdivide or plat land into more than two (2) parts, for the purposes of laying out an addition, subdivision, building lot, or lots, acreages or suburban lots within the city shall cause plats of such area to be made in form, and containing the information hereinafter set out before selling any lot or lots therein contained or placing the plat on any public record.

#### **1.6. CONFORMANCE TO THE COMPREHENSIVE PLAN.**

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to best conform to recommendations of the comprehensive plan. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

**1.7. RESTRICTIVE COVENANTS.**

The subdivider may, at their own expense, restrict the use of premises contained in a subdivision plat by means of restrictive covenants. Any such covenants shall be included as deed restrictions on the final plat. Where any restrictive covenants are anticipated in a proposed subdivision which do not assist orderly, efficient, integrated development, promote the public health, safety and general welfare of the community, and insure conformance of the subdivision plans with the capital improvements program, comprehensive plan or major street plan, the city council may deem these grounds for disapproval of the subdivision plat.

**1.8. RECORDING OF PLAT.**

No subdivision plat, resubdivision plat or street dedication within the City of George, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the Lyon County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Furthermore, the City of George will make recommendation to the Lyon County Planning and Zoning Commission that no subdivision plat, resubdivision plat or street dedication located within two (2) miles of the corporate limits of George be filed for records with the Lyon County Recorder until the George Planning Commission has had an opportunity to review and comment on such subdivision with regards to compliance of this ordinance.

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

**1.9. PLATS OUTSIDE OF THE CORPORATE LIMITS.**

Procedure for review of the preliminary and final plats of land within two (2) miles of the corporate limits of George shall be the same as set out in Section 3.2 of Article III and Section 4.1 of Article IV, except the city shall submit to the County Planning and Zoning Commission the city's recommendations to either approve, revise, or reject the proposed county subdivision. The George Planning and Zoning Commission shall submit its recommendations within thirty (30) days after the referrals of the plat from the County Engineer or the County Planning and Zoning Commission, or the city's recommendation shall be deemed as approval of the proposed county subdivision.

Specific attention will be paid by the George Planning and Zoning Commission with regards to those subdivisions platted adjacent to or bordering the city's existing corporate city limits. The City of George will strenuously recommend that all of the city's subdivision standards including platting, design, infrastructure, lighting, road width and configuration be applied and implemented to county subdivisions that border George's city limits.

## ARTICLE II DEFINITIONS

### Article II: Definitions

#### Section 2.1. Definitions

#### 2.1 DEFINITIONS.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word “shall” is always mandatory, and the word “may” is permissive.

2.1 “*Access Street*” – A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

2.2 “*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.

2.3 “*Alley*” – Shall mean a public right-of-way, other than a street, and shall be twenty (20) feet in width affording secondary means of access to abutting property.

2.4 “*Auditor’s plat*” – Is a subdivision plat required by either the County Auditor or Assessor, prepared by a surveyor under the direction of the Auditor to clarify property descriptions for the purposes of assessment and taxation.

2.5 “*Block*” – An area of land within a subdivision that is entirely bounded by streets, highways, lakes, sloughs, wetlands or marshes, tracts of public land, or other public rights-of-way except alleys, and the exterior boundaries of the subdivision.

2.6 “*Building line (Setback line)*” – 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 Planning Commission shall require building lines in accordance with the needs of each addition.

2.7 “*City Engineer*” – Any registered professional engineer designated by the City Council.

2.8 “*Comprehensive Plan*” – Is the general plan for development of the community which may be titled master plan, comprehensive plan, or some other title, and has been adopted by the city council.

2.9 “*Commission*” or “*Planning Commission*” – The George Planning and Zoning Commission.

2.10 “*Council*” – The George City Council.

- 2.11 “*Collector streets*” – Those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of residential developments and streets for circulation within such a development.
- 2.12 “*Cul-de-sac*” – A short minor street having one end open to motor traffic and the other end being permanently terminated by a vehicular turnaround.
- 2.13 “*Develop*” – To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.
- 2.14 “*Developer*” – Any person or persons, who develops or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
- 2.15 “*Easement*” – 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 certain persons, 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 that interfere with the use of such easements.
- 2.16 “*Engineer*” – A registered professional engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.
- 2.17 “*Half street*” – A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the city for future development when another subdivision is platted along the side of the half street.
- 2.18 “*Highway*” – A major street which carries a large volume of traffic (usually state/federal routes).
- 2.19 “*Improvements*” – Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items for the welfare of the property owners and the public.
- 2.20 “*Lot*” – A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
- 2.21 “*Major thoroughfare*” – A street used primarily for fast, large volume traffic.
- 2.22 “*Metes and bounds description*” – A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.
- 2.23 “*Minor Street*” – A street used primarily to access abutting properties.
- 2.24 “*Owner*” – The legal entity holding title to the property being subdivided or such representative or agent as is fully empowered to act on its behalf.

- 2.25 “*Parcel*” – A part or tract of land.
- 2.26 “*Performance Bond*” – A surety bond, cash deposit or an approved letter of credit made out to the city in an amount equal to the full cost of the improvements which are required by this ordinance, said cost being estimated by the City Engineer, and said surety bond, cash deposit or letter of credit being legally sufficient to secure to the city that said improvements will be constructed in accordance with this ordinance.
- 2.27 “*Plat*” –A map, drawing or chart on which the developer's or subdivider’s plan of the subdivision is presented for approval and which the developer intends to be recorded in final form.
- 2.28 “*Proprietor*” – Is a person who has a recorded interest in land, including a person selling or buying land pursuant to contract, but excluding persons holding mortgage, easement, or lien interest.
- 2.29 “*Proprietor's Plat*” – A plat as defined herein submitted by the owner of the land being platted, or his agent, or other private entity, acting with the consent of the owner.
- 2.30 “*Resubdivision*” – Any subdivision of land that has previously been included in a recorded plat. In appropriate context, the term may be used as a verb referring to the act of preparing a plat of previously subdivided land.
- 2.31 “*Right-of-way*” – The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
- 2.32 “*Roadway*” – That portion of the improved street intended for vehicular traffic.
- 2.33 “*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.
- 2.34 “*Street, Collector*” – A street which carries traffic from a local street to a major street and is so designated on the major street plan for the planning area.
- 2.35 “*Street, Dead End*” – A short street having one end open to vehicular traffic and the other end terminated but not with a vehicular turnaround.
- 2.36 “*Street, Local*” – A street which is used primarily for access to abutting properties.
- 2.37 “*Street, Major*” – A street of considerable continuity connecting various sections of the city, and is so designated on the major street plan for the planning area.
- 2.38 “*Subdivider*” – The owner of the property being subdivided, or other such person or entity empowered to act on behalf of the owner’s behalf.

- 2.39 “*Subdivision*” – The division of any parcel of land into more than two (2) lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land; or, if a new street is involved, any division of land; and as further defined in Chapter 354, *Code of Iowa*.
- 2.40 “*Subdivision, Major*” - Any subdivision other than a minor subdivision.
- 2.41 “*Subdivision, Minor*” – A subdivision in which no land is dedicated for street purposes other than street widening.
- 2.42 “*Subdivision Plat*” – Is a graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the city where the land is located.
- 2.43 “*Surveyor*” – A registered land surveyor, who engages in the practice of land surveying pursuant to Chapter 114 of the *Code of Iowa*, authorized to practice surveying as defined by the registration act of the State of Iowa.
- 2.44 “*Tract*” – Means an aliquot part of a section, a lot within an official plat, or government lot.
- 2.45 “*Utilities*” – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

**ARTICLE III  
PRELIMINARY PLAT PROCEDURES AND DATA**

Article III: Preliminary Plat Procedures and Data  
 Section 3.1. Pre-Application  
 Section 3.2. Procedure for Preliminary Plat Approval  
 Section 3.3. Requirements of Preliminary Plat

**3.1. PRE-APPLICATION.**

Prior to the subdivision of any land the subdivider or the subdivider’s agent should discuss informally with the Planning and Zoning Commission the property proposed for subdivision, with reference to these subdivision regulations and procedures, zoning regulations and controls, and other related planning documents.

**3.2. PROCEDURE FOR PRELIMINARY PLAT APPROVAL.**

In obtaining approval of a proposed subdivision and/or development by the city council, the subdivider shall submit a preliminary plat in accordance with the requirements hereinafter set forth and install required improvements thereon.

- 1) The subdivider shall first prepare and file with the city, six (6) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance, and forthwith refer a copy to each member of the Planning Commission for review and consideration.
- 2) The city council, at their discretion, or at the recommendation of the Planning and Zoning Commission may refer the preliminary plat to the city engineer or other professional assistance as it deems necessary to properly evaluate the plats as submitted. The city engineer shall then submit their findings and recommendation back to the Planning and Zoning Commission for consideration.
- 3) The Planning Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The commission shall approve or reject the preliminary plat within forty-five (45) days after the date the commission reviews the preliminary plat. If the commission does not act within forty-five (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.
- 4) If approved, the Planning Commission shall express such approval in its minutes. If disapproved, the Planning Commission shall express its disapproval and its reasons therefore. The action of the Planning Commission shall be forwarded to city council.
- 5) The city council, upon receipt of the commission’s recommendation, and within sixty (60) days, or an extension thereof, shall by resolution grant approval or reject the preliminary plat. If the preliminary plat is rejected, the council shall advise the owner or developer of any changes that are desired or should have consideration before approval will be given. Approval of the preliminary plat by the council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

- 6) Upon approval of the preliminary plat by the city council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat by the city council shall be null and void unless the final plat is presented to the commission within 180 days after date of approval;

### **3.3. REQUIREMENTS OF PRELIMINARY PLAT.**

The preliminary plat of a subdivision is not intended to serve as a record 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 his representative, may call at the city offices 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.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

- 1) **GENERAL.** Title, scale, north point, date and official legal description of the property being platted. The scale of the preliminary plat shall not be more than one hundred feet (100') to one inch (1") (100' = 1"). A scale greater than one hundred feet (100') to one inch (1") may be used if prior approval is obtained from the commission. The 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.
- 2) **NAME.** Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names within the City of George or in Lyon County.
- 3) **OWNER.** The name and address of the owner and the name, address, and profession of the person preparing the plan.
- 4) **KEY MAP.** A key map showing the general location of the proposed subdivision in relation to surrounding developments.
- 5) **NEIGHBORS.** The names and locations of adjacent subdivisions and the names of owners and location of adjoining parcels of unplatted land. A list of all owners of record of property and residents located within two hundred feet (200') of the subdivision boundary shall be attached. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- 6) **BOUNDARIES.** Boundary lines, showing dimensions, bearing, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
- 7) **CONTOUR.** Show contours at vertical intervals of not more than five (5) feet.

- 8) **STREETS.** Present and/or proposed names and locations of highways, streets, alleys and sidewalks, with their rights-of-way, dedicated widths, types and widths of surfaces and curbs.
- 9) **LOTS.** Present and/or proposed layout of lots, showing the numbers, dimensions, building setback lines, radii, and the square-foot area if an irregular shaped lot.
- 10) **PUBLIC USE.** 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.
- 11) **EASEMENTS.** Present and/or proposed easements, showing location, widths, purposes and limitations.
- 12) **UTILITIES.** Present and/or proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, street lighting and telephone utilities, and other facilities and location of each.
- 13) **ZONING.** Existing and proposed zoning classifications of the land.
- 14) **ADDITIONAL INFORMATION.** Any other pertinent information, as necessary for the review of the preliminary plat or as required by the Planning Commission or city council.
- 15) **FEE.** The platting fee, as required by this ordinance and as established by resolution of the city council.
- 16) **ACCOMPANYING MATERIAL**
  - a. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner's name as shown on the plat and showing any encumbrances that may exist against said land.
  - b. Deed restrictions or proposed covenants, if any, to be included in the owner's dedication of the plat.
  - c. Written statement by the appropriate officials of the availability of gas and electricity to the proposed subdivision.
  - d. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements required by this ordinance. Such statement shall acknowledge required inspections and approvals by the city council.

Upon conditional approval of the preliminary plat, the owner of a new subdivision or resubdivision shall not be permitted to sell any lots therein or develop thereon until a final plat has been approved by the council and officially recorded in the office of the Lyon County Recorder.

## ARTICLE IV FINAL PLAT PROCEDURES AND DATA

### Article IV: Final Plat Procedures and Data

- Section 4.1. Procedure for Final Plat Approval
- Section 4.2. Requirements of Final Plat
- Section 4.3. Final Plat Attachments

#### **4.1. PROCEDURE FOR FINAL PLAT APPROVAL.**

In obtaining final approval of a proposed subdivision by city council, the subdivider shall submit a final plat in accordance with the requirements herein set forth and install required improvements thereon.

- 1) Upon approval of the preliminary plat by the city council, 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 ordinance. The approval of the preliminary plat by the council shall be null and void unless the final plat is presented to the Planning Commission within 180 days after date of approval.
- 2) Before submitting the final plat to the Planning and Zoning Commission for approval, the subdivider shall furnish to the city all plans and information, including six (6) copies of the final plat conforming in detail to the requirements set forth in this ordinance.
- 3) The commission shall then consider the final plat according to the procedures set out for preliminary plats in Article III. If the final plat is approved, the commission shall forward its recommendation of approval to the city council.
- 4) The city council shall then consider the final plat according to procedures set out for preliminary plats in Article III. If the final plat is found acceptable and in accordance with this ordinance, the council shall accept the same. If said plat is disapproved by the city council, such disapproval shall be expressed in writing and explain the objections to the plat as filed.
- 5) The passage of a resolution by the city council accepting the final plat shall constitute final approval of the platting process of the area shown on the final plat. The subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Lyon County, Iowa, as provided in Chapter 354, Code of Iowa, and amendatory acts thereto. Furthermore, the developer shall also file satisfactory evidence of such recording in office of the city clerk before the city shall recognize the plat as being in full force and effect.
- 6) Final acceptance for recording purposes shall 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 council.

**4.2. REQUIREMENTS OF FINAL PLAT.**

The subdivider shall, within one hundred eighty (180) days from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk the final plat and required attachments, as set forth in this ordinance. Except for a final plat for a minor subdivision 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.

The final plat shall be clearly marked "Final Plat" and shall show the following:

- 1) **GENERAL.** The final plat shall be drawn at a scale of not more than forty feet (40') to one inch (1") (40'=1"). A scale greater than forty feet (40') to one inch (1") may be used if prior approval is obtained from the Planning Commission. The sheet size shall not exceed twenty-four by thirty-six inches (24"x36"), or be smaller than eight and one-half inches by eleven inches (8½"x11") and shall be of a size acceptable to the Lyon County Recorder. 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.
- 2) **TITLE OF SUBDIVISION.** The title or name under which the subdivision is to be recorded,
- 3) **OWNER.** The name and address of the owner of the fee title to the real estate contained within the subdivision, and the name, address, and profession of the person preparing the plan.
- 4) **SCALE.** A scale, north arrow, and date on each sheet.
- 5) **BENCHMARKS AND SURVEY MONUMENTS.** Location, type, materials and size of all monuments and markers including all United States, Iowa, Lyon County or other official benchmarks, as required by Chapter 114A, Code of Iowa.
- 6) **SURVEY DATA.** The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys, and street center lines. These should be exact and complete to include all distances, radii, arches, chords, points of tangency and central angles. All distance, bearing, curve notes for all curves includes in the plat, and other survey data, as required by Chapter 114A, Code of Iowa.
- 7) **ADJOINING PROPERTIES.** 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 or 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 wherever the name appears on the plat.
- 8) **BLOCK AND LOT NUMBERS.** Lot numbers and dimensions.
- 9) **STREETS.** Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If names are required they should be distinctive

and not unnecessarily similar to existing street names. Street names may be required to conform to the city plan or by city council's direction. Street right-of-way lines with accurate dimensions in feet and hundredths of feet. Plan and profiles of all streets and alleys at a fifty feet (50') horizontal scale and five feet (5') vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc. to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end profile shall be at the left side of the drawing.

- 10) PUBLIC LAND. 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.
- 11) EASEMENTS. Any easement shown on the plat shall depict accurate locations and descriptions of easements for utilities and any limitations on such easements, and be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- 12) ERROR. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1 foot in ten thousand feet (10,000') and shall be 1 foot in five thousand feet (5,000') for any individual lot. Accurate boundary lines, with dimensions to the nearest one-hundredth foot and angles, which provide a survey of the tract.
- 13) SURVEYOR'S CERTIFICATE. A statement or certification by a registered land surveyor of the State of Iowa 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 certification of the accuracy of the plat by the registered land surveyor who drew the plat.

#### **4.3. FINAL PLAT ATTACHMENTS.**

The final plat shall have the following attached when presented to the clerk for filing:

- 1) DESCRIPTION. A correct legal description or metes and bounds description of the subdivided land.
- 2) ABSTRACT OF TITLE. A complete abstract of title and the opinion of a practicing attorney showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.
- 3) OWNER CERTIFICATE. A certificate by the owner and his or her spouse, if any, that the subdivision is platted with 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 acknowledgments of deeds.

- 4) COUNTY TREASURER CERTIFICATE. A certificate from the Lyon County Treasurer that the subdivision land is free from unpaid taxes. Certificate to be signed at time of plat recording.
- 5) COUNTY RECORDER CERTIFICATE. A certificate from the Lyon County Recorder that the title is free from all encumbrances other than those secured by an encumbrance bond. Certificate is to be signed at time of plat recording.
- 6) COURT CERTIFICATE. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, or mechanics or other liens of record. Certificate is to be signed at time of plat recording.
- 7) CERTIFICATE OF DEDICATION. A certificate of dedication to the city, properly executed, for all streets intended as public streets, and for any other property intended for public use, except for areas outside the corporate limits.
- 8) DRAINAGE PLANS. Drainage plans for the removal of storm water. These drainage plans require that storm water drainage can not exceed pre-development flow rates. Grading shall be designed so that all surface water shall be conducted to a street storm sewer or to a natural water course. No water course shall be altered so as to divert surface drainage from one watershed to another.
- 9) SATISFACTORY IMPROVEMENTS. An engineer's certificate submitted on behalf of the owner or developer stating that all required improvements required by this ordinance have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans and specifications of street improvements and utilities showing location, size, and grade for all improvements shall have been provided to the City Engineer. In lieu thereof, the city may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the city, or that the governing body 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.
- 10) RESOLUTION ACCEPTING IMPROVEMENTS. Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.
- 11) FEE. The applicable fee, if any.

## ARTICLE V DESIGN STANDARDS

### Article V: Design Standards

Section 5.1.	General Requirements
Section 5.2.	Streets
Section 5.3.	Alleys
Section 5.4.	Easements
Section 5.5.	Blocks
Section 5.6.	Lots
Section 5.7.	Plat Markers and Monuments

#### **5.1. GENERAL REQUIREMENTS.**

The following design standards shall be followed by all developers in subdividing or resubdividing land. The standards and details of design herein contained 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 shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

#### **5.2. STREETS.**

- 1) All proposed plats and subdivisions shall conform to the George Comprehensive Plan, and shall also conform to additional proposed street plans as set out by the city. 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.
- 2) The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets (constructed or recorded) in surrounding areas, or conform to an approved preliminary or neighborhood plan unless variations are recommended by the commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- 3) Where the submitted plat covers only a part of the developer's plat, the commission may require a sketch of the prospective future street system in which 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.
- 4) Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
- 5) Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than six hundred feet (600'). Cul-de-sacs shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred thirty feet (130') in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty feet (60'). The property line(s) at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than one hundred fifty feet (150'); or equal straight approach lines. A turnaround

diameter greater than one hundred thirty feet (130') may be required by the commission in the case of commercial or industrial subdivisions if it is deemed necessary.

- 6) Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty degrees (60°).
- 7) When connecting street lines deflect from each other at any one point by more than ten degrees (10°), they shall be connected by a curve with a radius adequate to insure sight distance of not less than two hundred feet (200').
- 8) All newly platted streets shall be named in a manner conforming to the prevailing street naming system. Streets that are in alignment with others already existing, or with a street that may logically be extended although the various portions may be at a considerable distance from each other, 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 city council.
- 9) 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 Planning 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.
- 10) Streets and alleys shall be completed to grades that have been officially determined or approved by the city council. 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 (6) percent for main and secondary thoroughfares or ten (10) percent for minor or local service streets. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the city.
- 11) In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would lend themselves to attractive treatment.
- 12) 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.
- 13) Where 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 onto 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 onto the highway.
  - 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 shall prevent any private residential driveways from having direct access to the trafficway.
- 14) A deed to the city shall be given for all streets before the same will be accepted for city maintenance.
  - 15) Minimum rights-of-way and roadway widths shall be provided in accordance with the Iowa Department of Transportation's SUDAS (*Iowa Statewide Urban Design Standards for Public Improvements*) manual.
  - 16) Other Considerations.
    - a) The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
    - b) Street jogs of less than 150 feet shall be avoided.
    - c) No dead-end streets or alleys will be permitted except at subdivision boundaries.
    - d) Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is otherwise approved.
    - e) Intersection of more than two streets at a point shall not be permitted.

**5.3. ALLEYS.**

Alleys may be required in business areas and industrial districts, and except where justified by unusual conditions alleys will not be approved in residential districts.

- 1) Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision has been made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- 2) The width of any alley shall be a minimum of twenty feet (20').
- 3) Dead end alleys shall not be allowed.

**5.4. EASEMENTS.**

- 1) Easements across lots or centered on rear or side lot lines of all lots shall be provided for public and private utilities where necessary and shall be at least ten feet (10') wide.
- 2) Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or city council.
- 3) Utility easements shall convey to the city, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of wires, cables, fiber optic lines, conduits,

fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet (4') from the wires or poles, together with the right to extend to any telephone, telecommunications, electric or power company, the right to use separately or jointly with the city, the areas included in the easement for the purposes above enumerated.

- 4) Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall provide and dedicate to the city an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of twenty feet (20') on each side plus stream design width.

#### **5.5. BLOCKS.**

- 1) No block may be more than one thousand two hundred feet (1,200') or less than three hundred feet (300') in length between the centerline of intersecting streets.
- 2) At street intersections, block corners shall be rounded with a radius of not less than twenty feet (20'); unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.
- 3) In blocks over seven hundred feet (700') in length, the city council may require at or near the middle of the block a public way or easement of not less than twenty feet (20'), nor more than forty-five feet (45') in width for use as an easement for public utilities.

#### **5.6. LOTS.**

Generally, the lot arrangement and design shall be such that all lots provide satisfactory and desirable building sites properly related to topography, drainage, sanitation and the character of adjacent developments.

- 1) Minimum lot dimensions and sizes shall conform to the zoning ordinance.
- 2) Corner lots shall be not less than twenty feet (20') greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.
- 3) Double frontage or through lots, other than corner lots, shall be avoided except where such essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography. The front and rear of double frontage lots shall be identified on the plat and no access will be allowed from the rear yard street.
- 4) Each lot shall be provided by means of a public street with satisfactory access to an existing public street.
- 5) Each lot shall be provided with no less than fifty feet (50') of access frontage to a public street.

- 6) Side lot lines where possible shall be at right angles or radial to the street lines.

**5.7. PLAT MARKERS AND MONUMENTS.**

- 1) Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points.
- 2) Iron pin or pipe monuments three-fourths inch (3/4") in diameter and twenty-four inches (24") long or suitable concrete markers shall be placed as plat markers.
- 3) Concrete monuments at least thirty six inches (36") long and four inches (4") square with a suitable center point shall be set at all boundary corners of the plat and at all block corners. Except in cases where it is deemed clearly unreasonable or infeasible by the commission, these monuments shall be described in relation to the standard subdivision lines of the section to which the monument is placed.
- 4) A permanent bench mark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.
- 5) Developer shall provide the city with GPS (Global Positioning System) coordinates on all plat markers.

## **ARTICLE VI IMPROVEMENTS**

### Article VI: Improvements

- Section 6.1. Improvements
- Section 6.2. Resubdivisions
- Section 6.3. Required Improvements
- Section 6.4. General Requirements for Installation of Utilities
- Section 6.5. Improvements with Two Mile Extraterritorial Jurisdiction
- Section 6.6. Specifications
- Section 6.7. Guarantee
- Section 6.8. Acceptance and Maintenance

#### **6.1. IMPROVEMENTS.**

The subdivider shall be responsible for the installation and construction of all improvements required by this ordinance, and shall warrant the design, material and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after completion. Such warrant shall be by bond or other acceptable collateral; shall be subject to review by the city attorney; shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the city from any and all costs or losses resulting from, contributed to, etc., such defective improvements.

Before the city council approves 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 of acceptance, the Planning Commission shall report that said improvements meet city specifications and ordinances or other requirements and agreements between the subdivider and the city.

This requirement may be waived if the subdivider will post a performance bond or certified check with the City of George, Iowa, guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat; however, if a performance bond is posted, 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 of George, Iowa.

If a performance bond is posted, such bond shall be subject to review by the city attorney prior to acceptance; shall specifically assure the expedient installation and completion of all improvements within the specified construction time period; and shall indemnify the City of George, Iowa, from any and all costs or losses of the development and construction.

The council may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to 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.

**6.2. RESUBDIVISIONS.**

The council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to 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 proceeding.

**6.3. REQUIRED IMPROVEMENTS.**

All plans, specifications, installation and construction required by this ordinance 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 twenty-four (24) hours in advance of readiness for required inspections.

- 1) **STREET GRADING.** All streets and alleys within the platted area dedicated for public use shall be brought to grade at the subdivider's cost as approved by the city council after receiving the report and recommendation of the Planning Commission. All streets shall be a minimum of thirty feet (30') of paved surface, unless otherwise allowed by city council.
- 2) **CURB AND GUTTER.** Curb and gutter shall be constructed on streets proposed to be hard surfaced and as determined to be in the best interest of the city or required by city council upon recommendation of the Planning Commission. Curb and gutter, if installed, shall be constructed of portland cement concrete to the grade, designs and specifications as approved by the city council.
- 3) **STREET SURFACE.** All streets that the city is to maintain shall be surfaced with concrete cement or asphaltic concrete as may be required by the council.
- 4) **SIDEWALKS.** Sidewalks may be required by the city council, upon recommendation by the Planning Commission, if they are considered necessary for the general welfare and safety of the citizens of the community. Sidewalks shall be constructed to the grade approved by the council.
- 5) **STREET SIGNS.** The developer shall provide the subdivision with acceptable street signs at the intersection of all streets.
- 6) **FIRE HYDRANTS.** Fire hydrants shall be placed so that no lot in a residential subdivision is more than three hundred feet (300') from two (2) fire hydrants, the distance to be measured along street lines, provided water mains are available. The city council may require special spacing in commercial and industrial districts.
- 7) **NATURAL PLANTINGS.** Trees and shrubs may be planted within the street right-of-way or utility or drainage easements, where approved by the city council. Plantings and fences at intersections shall be so located as to maintain adequate sight distance according to regulations identified in the George Zoning Ordinance.

- 8) **WASTEWATER SEWERS.** The subdivider shall provide the subdivision with wastewater sewage facilities. The subdivider shall connect or provide for the connection to such wastewater sewer including all necessary pumping stations, force mains, pumping equipment and other appurtenances, with a wastewater sewer outlet or public treatment facility approved by the city council. The developer shall stub a sewer service line into each lot being developed. Wastewater systems shall be approved by the city council and the Iowa Department of Natural Resources and such other agency or department of the state as shall from time to time be designated and charged with the regulatory authority over use, installation and maintenance of wastewater facilities. Where oversized sewers are required to serve other areas of the watershed, the additional cost shall be borne by the city or assessed on an area basis to the properties served.
- 9) **WATER LINES.** The developer shall connect with existing water mains in accordance with the city and state standards and subject to their supervision. The subdivider shall provide the subdivision with a complete water supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the city's water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the standards and design approved by the city council. All water mains that serve or in the opinion of the city shall serve in the future for fire protection shall have a minimum diameter of six inches (6"). Where oversized mains are required to serve other areas of the watershed, the additional cost shall be borne by the city or assessed on an equal basis to the properties served. Water service lines shall be installed to the property line of all platted lots and terminated by a curb stop by the developer.
- 10) **STORM WATER.** Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the city council. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water. Storm water drainage can not exceed pre-development flow rates. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. Where oversized storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost shall be borne by the city or assessed on an area basis to the properties served.
- 11) **MARKERS.** The developer shall place markers/monuments as required in Article V, Section 5.7.

**6.4. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES.**

The city council may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be completely installed and approved through the length of the street and across the flat section.

**6.5. IMPROVEMENTS WITHIN TWO MILE EXTRATERRITORIAL JURISDICTION.**

Improvements in the two mile extraterritorial review area will be recommended as required above, provided they are not less than that required by the county subdivision regulations, and provided further that all road and drainage construction plans shall be approved by the county engineer, and completed roads shall be accepted by the Board of Supervisors for public maintenance.

In the case of an extraterritorial subdivision that is annexed into the corporate boundaries of the city, all improvements required shall be done at the expense of the subdivision property owners either through direct expense if the subdivision property owners complete the improvements or through special assessment if the city may cause the improvements to be made.

**6.6. SPECIFICATIONS.**

The type of construction, materials, methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the city for approval prior to construction and construction shall not be started until plans and specifications have been approved.

**6.7. GUARANTEE.**

The completion requirement for platting, herein provided, may be waived in whole or in part if the developer will post one of the following guarantees with the city council ensuring that improvements not completed will be constructed within a period of one (1) year. Waiver of the completion requirement by the council, upon posting of a satisfactory bond with sureties approved by the council shall not constitute an 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 developing area until such improvements have been completed and accepted by the city.

- 1) Performance Bond. The subdivider shall post with the city council a bond equal to the council's approved estimate of construction costs, in favor of the city council, guaranteeing satisfactory completion of all improvements whether within the city or planning area, in a period not exceeding two (2) years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa. If a performance bond is posted, such bond shall be subject to review by the city attorney prior to acceptance; and shall indemnify the City of George from any and all costs or losses of the development and construction. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the city of any improvements to be constructed.
- 2) Cash Bond. The subdivider shall deposit in cash with the city council an amount equal to the council's approved estimate of the cost of construction of all improvements. Progress payments may be made to the subdivider or the contractor, as work progresses on the written order of the city.
- 3) Special Assessments. In the case of partially dedicated streets, streets not wholly within the proposed subdivision or streets where other adjacent property owners are involved, the subdivider may petition the city council to have the necessary improvements constructed and assessments levied against the property owners.

The council may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to 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.

**6.8. ACCEPTANCE AND MAINTENANCE.**

Upon completion of all improvements required by this article, and upon submission of satisfactory proof to the council or other public agency that such improvements have met the standards and requirements of the city or other public agency and are installed on public property, approved and recorded rights-of-way or easements, the council shall by resolution accept the following portions of such improvements for the purpose of ownership and maintenance by the city or other public agency:

- 1) All hard surfaced streets, including curbs and gutters if installed
- 2) Alleys and alley approaches.
- 3) All water mains, associated valves, and fire hydrants.
- 4) That portion of a customer's water service line from the main "T" to the curb stop. The curb stop shall be located on the customer's property line or one hundred feet (100') from the water main, whichever is the shortest distance.
- 5) Wastewater sewer mains, manholes and lift stations, not including, however, any portion of a sewer service line.
- 6) Stormwater retention practices and/or their associated catch basins.

The city engineer or other designated inspector shall make a final inspection of all streets, utilities and other improvements as required. The subdivider shall maintain all improvements for one (1) year after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the city council or by the posting of a maintenance bond in favor of the council, both in the amount of five percent (5%) of the estimated cost of the improvements. Thereafter, the city may maintain the improvements in accordance with a duly adopted annual improvement and/or maintenance program which may require special assessments from the individual property owners.

## **ARTICLE VII PUBLIC SPACE DEDICATIONS**

### Article VII: Public Space Dedications

- Section 7.1. School and Park Land Dedication
- Section 7.2. Park and Open Space Dedication
- Section 7.3. Payments in Lieu of Dedication
- Section 7.4. Other Regulations

#### **7.1. SCHOOL AND PARK LAND DEDICATION.**

Dedication or reservation of land for parks shall be required for all subdivisions, with location of such lands preferably recommended by the city council and the local school district.

#### **7.2. PARK AND OPEN SPACE DEDICATION.**

A minimum of five percent (5%) of the net area of subdivisions shall be dedicated for public parks, playgrounds or open space unless otherwise specified by city council.

#### **7.3. PAYMENTS IN LIEU OF DEDICATION.**

The subdivider may, in lieu of dedication of such land referred to in Section 7.2 above, donate in cash to the City of George, a sum equal to the value of five percent (5%) of the net area of the subdivision for such park, playground or open space purposes to benefit residents of the subdivision. The purchase price of such land shall be equivalent to the value of said land as established by the last available Lyon County assessment rolls.

#### **7.4. OTHER REGULATIONS.**

- 1) Public open spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The City Council may not approve a site which is undesirable for such public or civic uses.
- 2) If the city's comprehensive plan requires a public open space larger than five percent (5%) of the net area of the proposed subdivision, the subdivider shall reserve the area in excess of the dedication requirement for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by the last available Lyon County assessment rolls. After such time, the subdivider may re-plat such acreage for his/her own purposes.
- 3) Natural features, historic sites, and similar community assets shall be preserved.

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## ARTICLE VIII ADMINISTRATION, ENFORCEMENT & AMENDMENT

### Article VIII: Administration, Enforcement & Amendment

Section 8.1.	Fees Established
Section 8.2.	Variances
Section 8.3.	Enforcement
Section 8.4.	Penalties
Section 8.5.	Amendments
Section 8.6.	Validity
Section 8.7.	Effective Date
Section 8.8.	Repealer
Section 8.9.	Adoption

#### **8.1. FEES ESTABLISHED.**

The city council shall, from time to time establish by resolution, fees for review of plats. No plat for any subdivision or resubdivision shall be considered filed with the City Clerk unless and until said plat is accompanied by the fee, as established by resolution of the city council, as required by this ordinance. No fees shall be charged for public land plats submitted by a governmental department of the city, plats submitted by any school board, or plats of property reserving or dedicating land to the city provided no other subdivision of land is shown thereon.

#### **8.2. VARIANCES.**

In the event that it can be demonstrated to the satisfaction of the city council that strict compliance with the requirements established by the ordinance would result in extraordinary hardship to the owner of the property or impose unreasonable restrictions on development of a tract of land because of unusual topography or other conditions not created by the subdivider, the Planning Commission may recommend and the city council may vary, modify or waive the requirements so that substantial justice may be done and the public interest served and protected.

It is provided that any specific variance, modification or waiver granted under this provision shall in no way affect the future and subsequent enforcement of this ordinance; any variance, modification or waiver by the city under this provision shall not be construed to amend or nullify either the intent or purpose of this ordinance. Under no circumstances shall any variance or modifications be greater than the least variance or modification of the ordinance requirement necessary to provide substantial justice, and in no instance shall such variation or modification be in conflict with any zoning ordinance; it is specifically herein provided that any variance, modification or waiver by the city council under the provisions of this section shall be granted only by the affirmative vote of four-fifths (4/5) of the members of the council.

#### **8.3. ENFORCEMENT.**

In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated subject to the following:

- 1) No plat or subdivision in the City of George or within the extraterritorial jurisdictional area thereof (subject to exceptions as provided in Chapter 354.14, Code of Iowa), shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and has

been approved by the city council as prescribed herein.

- 2) No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been accepted by the city.
- 3) No public improvements over which the council has control shall be made with city funds, nor shall any city funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of adoption of this ordinance unless such subdivision and streets have been approved in accordance with the provisions of this ordinance and the street accepted by the city council as a public street.
- 4) No zoning compliance permit required by the zoning ordinance shall be issued until, and unless, all improvements required by this ordinance have been made in accordance with city plans and specifications and accepted by the city council.

**8.4. PENALTIES.**

Any owner or agent of the land located within the platting jurisdiction of the city, who knowingly or with intent to defraud, transfers, disposes or sells or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not more than five hundred dollars (\$500.00) each day for each lot so transferred, disposed of, leased or offered for sale. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the zoning administrator or other appropriate official may bring action to enjoin such erection or cause it to be vacated or removed.

**8.5. AMENDMENTS.**

Any provisions of these regulations may be changed and amended from time to time by the city council; provided, however, that such amendments shall first be submitted to the Planning Commission for review and study. The commission shall report within thirty (30) days after which the council shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least once, not less than four (4) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

**8.6. VALIDITY.**

Should any section, provision or part of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof, other than the part so declared to be invalid or unconstitutional.

**8.7. EFFECTIVE DATE.**

This ordinance shall be in full effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.  
(*Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3*)

**8.8. REPEALER.**

No final plat of land within the force and effect of the zoning ordinance shall be approved unless it conforms to this ordinance. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive applies.

**8.9. ADOPTION.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor, City of George

Attest:

\_\_\_\_\_  
George City Clerk

I hereby certify that the foregoing was published as Ordinance No. \_\_\_\_\_ in the City of George, Iowa on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.