

ORDINANCE NO. 210

AN ORDINANCE REGULATING SUBDIVISIONS OF LAND
IN THE CITY OF UNIVERSITY HEIGHTS, IOWA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS,
JOHNSON COUNTY, IOWA:

Section 1: Definitions. For the purpose of this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

1. "Alley" means a permanent public service way providing a secondary means of access to abutting property.
2. "Commission" means the University Heights Zoning Commission.
3. "Critical Root Zone" (or "CRZ") means the area of a circle around a tree, the radius of which is one and one-half feet (1.5') for every one inch (1") of said tree's Diameter at Breast Height.
4. "Diameter at Breast Height" (or "DBH") means the diameter of a tree, measured at four and one-half feet (4.5') above average ground level.
5. "Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said owner's property.
6. "Land Disturbing Activity" means any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) or the existing topography. Land Disturbing Activity includes, but is not limited to, clearing, grading, filling, excavation or addition or replacement of impervious surface.
7. "Plat" means a graphical representation of the Subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot and a succinct name or title that is unique.
 - A. "Preliminary Plat" means a study or drawings indicating the proposed manner or layout of a

Subdivision, submitted to the Commission and Council for consideration.

- B. "Final Plat" means the map or drawing on which the Subdivision plan is presented in the form which, if approved by the Commission and Council, will be filed of record with the Johnson County Recorder.
8. "Right-of-Way" means the area between property lines dedicated to, and accepted for, public use, and providing access to abutting properties.
9. "Separate Tract" means a parcel of land, or a group of contiguous parcels of land, under one ownership as of the effective date of this ordinance.
10. "Street" or "Road" means the Rights-of-Way dedicated to and accepted for the public use and affording principal means of access to abutting property.
11. "Subdivider" means any person who shall lay out, for the purpose of sale or development, any Subdivision or part hereof as defined herein, either for the Subdivider or others.
12. "Subdivision" means the division of a Separate Tract or parcel of land, or a group of contiguous parcels of land under one ownership, into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new Street is involved, any division of land. However, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes less than fifty percent (50%) of the area of the enlarged lot after such transfer, shall not be considered a subdivision.

Section 2: Procedure for Review of Subdivisions. It is hereby required that no Subdivision Plat within the City shall be filed of record with the Johnson County Recorder until a Final Plat of such Subdivision has been reviewed and approved by the Council in accordance with the provisions of this Ordinance. Upon the approval of the Final Plat by the Council, the Subdivider shall immediately file such Plat with the County officials as required by law. Such approval shall be revocable after 30 days, unless

such Plat has been duly recorded, and evidence thereof has been provided to the City Clerk within such 30-day period.

Section 3: Preliminary Platting Procedure.

1. The Subdivider or any owner of any tract or parcel of land to be subdivided shall cause to be prepared a Preliminary Plat of the Subdivision, containing the information specified in Section 4 below, and shall file twelve (12) copies of the same with the City Clerk for preliminary approval.
2. The City Clerk shall immediately submit five (5) copies of the Preliminary Plat to the Commission for study and recommendation. The Commission shall examine the Plat for compliance with this Ordinance, and shall have sixty (60) days within which to submit a recommendation to the Council. Failure of the Commission to act within the prescribed sixty (60) days after referral shall be deemed approval of the Plat unless an extension of time is mutually agreed upon by the Subdivider and the Commission.
3. The Council, upon receipt of the Commission's recommendation, or after sixty (60) (or an approved extension thereof) shall have passed, shall by resolution grant approval of, or reject, the Preliminary Plat. If the Council rejects the Preliminary Plat, the Council shall advise the owner or developer of any changes required before approval will be granted. 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.
4. The Commission and Council may request such professional assistance as they deem necessary to properly evaluate any Plat as submitted.

Section 4: Preliminary Plat Requirements. The Preliminary Plat shall contain the following information:

1. Location Map. A map showing the relationship of the proposed Subdivision to the Streets and other community facilities serving it. Such map shall include:
 - A. The name of the Subdivision.

- B. An outline of the area to be subdivided.
 - C. The existing Streets and public utilities, if any, on adjoining property.
 - D. The north point, a scale, and the date the Plat was prepared.
2. Preliminary Plat. A Preliminary Plat of the Subdivision drawn to a scale of one inch to one hundred feet (1" = 100') or larger, if required for purposes of detail or clarity. The Plat shall show all of the following:
- A. The name of the proposed Subdivision, and its approximate boundaries, distances and acreage;
 - B. The name and address of the owner;
 - C. The names of the owners of adjacent property;
 - D. The name of the person who prepared the Plat, the name of the owner's attorney, and the name of the owner's representative or agent;
 - E. The north point and a graphic scale;
 - F. Contours at two-foot (2') intervals or less;
 - G. The location of existing lot lines, Streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed Subdivision;
 - H. The layout of proposed blocks (if used) and lots, including the approximate dimensions of each, and the lot and block number in numerical order;
 - I. The location and width, other dimensions and names of the proposed Streets, Roads, sidewalks, utility and other Easements, parks and other open spaces or reserved areas;
 - J. The grades of proposed Streets, showing proposed contours at two-foot (2') intervals;

- K. A cross section of the proposed Streets showing the roadway locations, the type of curb and gutter, and the paving and sidewalks to be installed;
 - L. The layout of proposed water mains and sanitary sewers;
 - M. All proposed locations of utility systems and related appurtenances;
 - N. The location, species and size of all existing trees with a Diameter at Breast Height (DBH) of 8 inches or greater. The radius of such trees shall be indicated in feet, and the DBH shall be indicated in inches. All trees not located within the limits of construction, and all trees located in areas not disturbed by construction shall be preserved; and
 - O. The location of all sensitive areas required to be protected pursuant to the University Heights sensitive areas ordinance (Ordinance No. 128).
3. Subdivision Fees. Before a Preliminary Plat will be reviewed by the Commission, the Subdivider shall pay a fee of \$500.00 to the Clerk to cover the cost of the Commission's initial review. All additional costs incurred by the City relating to the review of the Preliminary and Final Plats shall be paid and reimbursed to the City before final approval of said Plats may be given.

Section 5: Time Limitation of Preliminary Approval. The Council's approval of the Preliminary Plat shall be effective for a period of twelve (12) months unless, upon written request of the Subdivider, the Council (by resolution) grants an extension of time. If the Final Plat is not filed with the Clerk within said time period, all previous actions of the Council with respect to the Preliminary Plat shall be null and void.

Section 6: Final Platting Procedure.

- 1. Following the Council's approval of the Preliminary Plat, the Subdivider shall cause to be prepared a Final Plat and other required documents as set forth in Section 7 below, and shall file twelve (12) copies of the same with the City Clerk for final approval.

2. The City Clerk shall immediately submit five (5) copies of the Final Plat and other required documents to the Commission for study and recommendation. The Commission shall examine the Plat and other required documents for compliance with this Ordinance, and shall have sixty (60) days within which to submit a recommendation to the Council. Failure of the Commission to act within the prescribed sixty (60) days after referral shall be deemed approval of the Plat unless an extension of time is mutually agreed upon by the Subdivider and the Commission.
3. The Council, upon receipt of the Commission's recommendation, or after sixty (60) (or an approved extension thereof) shall have passed, shall by resolution grant approval of, or reject, the Final Plat.
4. The Commission and Council may request such professional assistance as they deem necessary to properly evaluate any Plat as submitted.

Section 7: Final Plat Requirements. The Final Plat shall meet the following specifications:

1. Final Plat. A Final Plat of the Subdivision drawn in a scale of one inch to one hundred feet (1" = 100') or larger for purposes of detail or clarity, and must contain the following:
 - A. Accurate tract boundary lines with dimensions and angles which provide a survey of the tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet;
 - B. Accurate references to known or permanent monuments, giving the bearings and distances from some corner of a congressional division of which the Subdivision is a part;
 - C. Accurate locations of existing and recorded Streets intersecting the boundaries of the tract;
 - D. Accurate legal description of the property;
 - E. Street names;

- F. Complete and accurate curve notes for all curves included in the Plat;
 - G. Street lines with accurate dimensions in feet and hundredths of feet, with angles to Street, Alley and lot lines;
 - H. Lot numbers and dimensions;
 - I. Block numbers (if applicable) and dimensions;
 - J. Accurate dimensions of any property to be dedicated or reserved for public, semipublic or community use, and a showing of all Easements;
 - K. The location, type, material and size of all markers and monuments;
 - L. The name of the Subdivision;
 - M. The name and address of the owner and Subdivider;
 - N. The north point, a scale, and the date the Final Plat was prepared;
 - O. A certification by a registered land surveyor of the State of Iowa, including the date of certification;
 - P. A certificate of dedication of Streets and other public property; and
 - Q. Date spaces and signature lines for the Chair of the Commission, the Mayor, and the City Clerk, to indicate the final approval of the Commission and Council.
2. Other Required Documents. The Final Plat shall be accompanied by all of the following:
- A. 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, or other public use, if the dedication is approved by the Council.

- B. 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.
- C. 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.
- D. 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.
- E. A written plan for protecting all existing trees that are proposed to be retained within the subdivision. The Critical Root Zone (CRZ) for each tree to be preserved shall have at least an eight foot (8') radius, and shall be large enough to protect the tree and its roots from all prohibited disturbances, and shall be protected with fencing installed according to the City's standards prior to the start of construction. Prohibited disturbances include the driving or parking of vehicles, the storage of construction materials, the placing of refuse, excavated spoils or harmful materials (including, without limitation, paint,

petroleum products, concrete or stucco mix, and dirty water), the disturbance or compaction of soil, the changing of grade or drainage (and any root zone disturbances caused thereby), and the creation of impervious paving. No paving, or utility and irrigation trenching may occur within the Critical Root Zone for any tree proposed to be retained within the subdivision, unless approved by the City Engineer, or a certified arborist or landscape architect approved by the City.

- F. A Stormwater Management Plan that complies with the requirements of University Heights Ordinance No. 169 (Post-Construction Stormwater Runoff Control), but only in the event the development of the proposed subdivision will likely result in any Land Disturbing Activity that triggers the applicability of said Ordinance No. 169.
- G. Construction plans for all public improvements which are intended to be accepted and maintained by the City. If all public improvements are not in place and acceptable, then a subdivider's agreement is required, which may include an escrow agreement.
- H. If improvements are not installed and accepted on the date the Commission recommends that the Council approve the Final Plat, then a surety bond shall be filed, or an escrow arrangement made on a form approved by the Council in an amount adequate to cover the estimated cost of said improvements yet to be installed, to ensure that said improvements will be installed by the owner or Subdivider within two (2) years of the Council's approval of the Final Plat.

Section 8: Lots.

- 1. Lots. The following design standards for lots shall apply to all new Subdivisions:
 - A. All lots shall abut on a Street.
 - B. Side lines of lots shall approximate right angles to straight Street lines, and radial angles to curved Street lines, except where a variation will provide better lot layout.

- C. All lots shall comply with the Lot Regulations set forth in the City's zoning ordinance (Ordinance No. 79), as amended.

Section 9: Required Improvements.

1. Sanitary Sewers. The Subdivider shall provide the Subdivision with a complete sanitary sewage system which shall connect with the sanitary sewage sewer outlet approved by the Council. Sewers shall extend to the Subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.
2. Storm Drains. The developer shall provide the Subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide for the collection and removal of all surface waters, and those improvements shall extend to the boundaries of the Subdivision, so as to provide for extension by adjoining properties.
3. Water. The Subdivider shall provide the Subdivision with a complete water main supply system (including hydrants, valves and other appurtenances), which shall be extended into and through the Subdivision to the boundary lines thereof. Said water main supply system shall provide for a water connection for each lot, and shall be connected to the City water system.
4. Sidewalks. The Subdivider shall install concrete sidewalks at least four (4) feet wide along the frontage of each lot upon substantial completion of the construction of the structure therein.
5. Grading. All Streets and Alleys within the Platted area which are being dedicated for public use shall be brought to the grade approved by the Council.
6. Curb and Gutter. Curb and gutter shall be installed on all Streets in the Plat being dedicated for public use, and shall be constructed of Portland cement concrete, in accordance with designs, specifications, and grades approved by the Council.

7. Surfacing. All Streets being dedicated for public use shall be surfaces from curb to curb. Surfacing shall be constructed of Portland cement concrete, in accordance with designs, specifications, and grades approved by the Council.
8. Markers. An iron rod not less than one-half (1/2) inch in diameter and twenty-four (24) inches in length shall be placed: (1) at the intersection of all lines forming right angles in the boundary of the Subdivision, (2) at all block and lot corners, and (3) at all locations where the direction of block and lot boundaries change direction.
9. Street signs. The Subdivider shall install Street signs at the intersection of all Streets in the Subdivision. The design and location of such signs shall be approved by the Council.

Section 10: Dedication of Parkland (or payment in lieu thereof).

Before any Subdivision will be approved, Parkland must be dedicated to the City (and shown on the Preliminary and Final Plats), or (in the alternative) a Park Development Fee must be paid to the City, in accordance with the standards and criteria in Ordinance No. 191. Acceptance of public improvements shall not be issued for any Subdivision unless Parkland is dedicated for such Subdivision, or (in the alternative) unless cash shall have been paid in lieu of such dedication (or a combination thereof) for park, recreational or open space purposed, in accordance with the standards and criteria in Ordinance No. 191.

Section 11: Design and Specification Standards.

1. The width of Street and Alley Rights-of-Way, the grades and paving of Streets, Alleys and sidewalks, the setback distance of sidewalks from Streets within Subdivisions, and the designs for all other infrastructure improvements within the Subdivision shall comply with the design standards set forth herein or otherwise established and maintained by the Council, and if none, then such design shall comply with the most current edition of the Iowa Statewide Urban Design and Specifications Design Manual in effect at the time the Preliminary Plat is submitted to the City Clerk.
2. The type of construction, the materials, the methods, and standards of Subdivision improvements and

infrastructure shall comply with the specification standards set forth herein or otherwise established and maintained by the Council, and if none, then such specifications shall comply with the most current edition of the Iowa Statewide Urban Design and Specifications Design Manual in effect at the time the Preliminary Plat is submitted to the City Clerk.

3. Plans and specifications shall be submitted to the Council for review prior to construction. Construction shall not commence until the plans and specifications have been approved by the Council.

Section 12: Exceptions. Whenever the tract to be subdivided is of unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements set forth in this Ordinance would result in practical difficulties or injustices, the Council (upon recommendation of the Commission) may vary, modify or waive requirements herein so that the Subdivider is allowed to develop the property in a reasonable manner while at the same time protecting the public welfare and interests of the City and surrounding area, and preserving the general intent and spirit of this Ordinance. Any such variance, modification or waiver shall do no more than that which is necessary to eliminate the practical difficulties or injustices that would result from the strict application of the requirements set forth in this Ordinance. In granting such a variance, modification or waiver, the Council may impose such additional requirements as the Council deems necessary to substantially secure the objectives of the requirements herein which are varied, modified or waived.

Section 13: Inspections. The Council shall cause the installation of all improvements to be inspected to ensure compliance with the requirements of this ordinance. The cost of said inspections shall be borne by the Subdivider, and shall be the City's actual cost of the inspection. At its option, the Council may, upon approving the plans and specifications, require the developer to engage a registered engineer to monitor construction of the infrastructure improvements to ensure that work is done in compliance with the plans and specifications approved by the Council, as well as in compliance with accepted construction standards.

Section 14: Amendments. Any provision of this ordinance may be amended from time to time by the Council. However, no such amendment shall be effective unless it is first submitted to the Commission for study and recommendation to the Council. The

Commission shall report its recommendations to the council within thirty (30) days, after which the Council shall give notice of, and hold a public hearing on, the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

Section 15: Savings Clause. In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

Section 16: Effective Date. This ordinance shall become effective upon its passage and publication as provided by law.

Section 17: Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this 10th day of October, 2017, and approved this 10th day of October, 2017.

 /s/
Louise From, Mayor

(SEAL)

ATTEST:

 /s/
Christine M. Anderson, City Clerk