



WEST OKOBOJO IOWA



Prepared with planning assistance from
Northwest Iowa Planning &
Development Commission
Spencer, Iowa

2019 Subdivision Regulations Ordinance

(This page left blank intentionally)

ACKNOWLEDGEMENTS

CITY OF WEST OKOBOJI

SUBDIVISION REGULATIONS

ORDINANCE

Prepared with Planning & Technical Assistance by:

Northwest Iowa Planning & Development Commission

217 West 5th Street, Box 1493, Spencer, Iowa 51301
(712) 262-7225 1-855-262-7225

In Cooperation with and Support from the:

City of West Okoboji, Iowa

Mayor Barbara Lynch
City Administrator
Brenda Behrends, Public Works Director
Rick Wittrock, Maintenance

City Hall, 501 Terrace Park Blvd.
Milford, Iowa 51351

wocity@mediacombb.net

Office Hours: M-F 8:00 A.M.-12:00 PM & 1:00-3:30 P.M.
Ph. 712-320-4394

West Okoboji City Council

Marcia Petersen
Mike Paxton, Pro-Tem
Robert Hein
Paul Sieh
Mike Olson

Planning & Zoning Commission

Glen Petersen, Chair
Doug Nielsen
Bill Carmichael
Josh Miller
Don Larson

Board of Adjustment

Jim Rohlfesen, Chair
Linda Weir
Charles Krumme
Peggy Bergh
Judy Haviland

TABLE OF CONTENTS

ARTICLE 1. BASIC PROVISIONS	
1.1. Short Title	2
1.2. Purpose	2
1.3. Jurisdiction	2
1.4. Platting Required	2
1.5. Recording of Plat	2
1.6. Auditor's Plats	3
1.7. Plat's Outside of the Corporate Limits	3
1.8. Comprehensive Plan Relationship	3
ARTICLE 2. DEFINITIONS	
2.1. Subdivision Definitions	4
ARTICLE 3. MINOR SUBDIVISIONS	
3.1. Minor Plat Requirements	7
3.2. Review by Agencies	7
3.3. Procedures for Minor Subdivisions	7
ARTICLE 4. PRELIMINARY PLAT	
4.1. Pre-application Meeting.....	9
4.2. Preliminary Plat Procedure	9
4.3. Requirements of Preliminary Plat.....	10
ARTICLE 5. FINAL PLAT	
5.1. Final Plat Approval.....	12
5.2. Requirements of Final Plat	13
5.3. Final Plat Attachments.....	14
ARTICLE 6. DESIGN STANDARDS	
6.1. General Requirements	16
6.2. Streets	16
6.3. Alleys.....	18
6.4. Easements	18
6.5. Blocks.....	18
6.6. Lots	18
6.7. Plat Markers and Monuments	19
ARTICLE 7. IMPROVEMENTS	
7.1. Land Suitability	20
7.2. Resubdivisions.....	20
7.3. Required Improvements.....	20
7.4. Specifications.....	22
7.5. As-Builts	22
7.6. Final Completion and Acceptance.....	23
7.7. Guarantees	23
7.8. Improvements within Extraterritorial Jurisdiction	23
ARTICLE 8. PUBLIC SPACE DEDICATIONS	
8.1. Park, Open Space & Public Use Dedications	24
8.2. Other Public Space Regulations	24
ARTICLE 9. ADMINISTRATION AND ENFORCEMENT	
9.1. Fees.....	25
9.2. Variances	25
9.3. Enforcement and Penalties	25
9.4. Changes and Amendments	26
9.5. Validity and Severability Clause	26
9.6. Repealer.....	26
ARTICLE 10. EFFECTIVE DATE	
10.1. Effective Date.....	27

SUBDIVISION REGULATIONS ORDINANCE FOR THE CITY OF WEST OKOBOJI, IOWA

AN ORDINANCE prescribing minimum standards for the design and development of land in the City of West Okoboji, Iowa; providing for the enforcement of these regulations; for the repeal of other ordinances or resolutions in conflict herewith; 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 comprehensive land use plan of West Okoboji, Iowa, and in accordance with provisions of Chapter 354, Code of Iowa; Platting-Division and Subdivision of Land.

WHEREAS, the West Okoboji City Council has adopted a zoning ordinance in assisting in guiding future development of the community by regulating the uses of land, the size of lots, the height and bulk regulations of buildings, the size of yards and open spaces around buildings and structures for residences, commercial, and other purposes; and

WHEREAS, The West Okoboji City Council 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 promote the conservation of energy resources; to facilitate the adequate provision of transportation, public water supply, and public 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 WEST OKOBOJI CITY COUNCIL; the following ordinance relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

ARTICLE 1. BASIC PROVISIONS

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Platting Required
- Section 1.5. Recording of Plat
- Section 1.6. Auditor's Plats
- Section 1.7. Plats Outside of the Corporate Limits
- Section 1.8. Comprehensive Plan Relationship

Section 1.1. SHORT TITLE.

This ordinance shall be known and cited as the “West Okoboji Subdivision Regulations”.

Section 1.2. PURPOSE.

The purpose of this ordinance is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land so existing developments will be protected, so adequate provisions are made for public services, and to ensure growth occurs in an orderly manner consistent with the comprehensive plan, and to promote the health, safety, and general welfare of the public.

Section 1.3. JURISDICTION.

In accordance with the provisions of Chapter 354, Code of Iowa, and amendatory acts thereto, this Ordinance is adopted by the City of West Okoboji, Iowa, governing the subdivisions of all lands within the corporate limits of the City and all lands within the extraterritorial jurisdictional area consisting of unincorporated lands within two (2) miles of the corporate city limits of West Okoboji.

Section 1.4. PLATTING REQUIRED.

Every owner of any tract or parcel of land who shall hereafter subdivide or plat land into three (3) or more parts, for the purposes of laying out an addition, subdivision, building lot or lots, or acreages within the city or within the unincorporated extraterritorial jurisdiction area shall cause plats 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 record.

Section 1.5. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within the City of West Okoboji, Iowa, as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the Dickinson County Recorder, until a final plat of such subdivision, resubdivision, or street dedication is reviewed and approved in accordance with the provisions of this ordinance. Upon approval of the final plat by the City Council it shall be the duty of the subdivider to immediately file such plat with the county auditor and county recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the city clerk within thirty (30) days. Furthermore, the City of West Okoboji will make recommendation to the

Dickinson County Planning and Zoning Commission that no subdivision plat, resubdivision plat or street dedication located on unincorporated lands within two (2) miles of the corporate limits of West Okoboji be filed for records with the county recorder until the West Okoboji Planning and Zoning Commission has had an opportunity to review and comment on such subdivision regarding compliance with this ordinance.

Section 1.6. AUDITOR'S PLATS.

Regarding auditor's plats, as distinguished from subdivider's plats, the City Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations provided there is a copy on file of the request of the county auditor ordering such plat and a letter from said auditor stating the submitted plat meets the requirements for which the plat was ordered.

Section 1.7. PLATS OUTSIDE OF THE CORPORATE LIMITS.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated lands within two (2) miles of the corporate limits of West Okoboji and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the city. In accordance with the provisions of Section 354.9 of the Code of Iowa, as amended, a subdivider or other agent, shall file a copy of all preliminary and final subdivision plats including minor plats, for the unincorporated areas within Dickinson County that are within two (2) miles of the city. Procedure for review of preliminary and final plats of land within two (2) miles of the corporate limits shall be the same as set out in Section 4.2 and 5.1. Dickinson County zoning officials shall not act on the plat prior to receiving comments and a recommendation from the city, provided the city shall submit its recommendations within thirty (30) days after the referral of the rural subdivision plat. Specific attention will be paid by the West Okoboji Planning Commission with regards to those subdivisions platted bordering the city's existing corporate city limits. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.

Section 1.8. COMPREHENSIVE PLAN RELATIONSHIP.

All proposed plats and subdivisions shall, at a minimum, not conflict with the intended land uses and development patterns shown on the future land use map and as otherwise indicated in the West Okoboji Comprehensive Plan. All proposed plats and subdivisions shall also conform to any street plan, transportation plan, or other planning documents of the city.

ARTICLE 2. DEFINITIONS

Article 2: Definitions

Section 2.1. Subdivision Definitions

Section 2.1. SUBDIVISION 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 shall include the plural and the plural the singular; the word “shall” is mandatory, and the word “may” is permissive.

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. *Aliquot Part* - 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.
3. *Alley* - A public right-of-way, other than a street affording a secondary means of access to abutting property.
4. *Auditor's plat* - A plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
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.
6. *Building lines (Setback Lines)* - A line on a plat, between which line and the public right-of-way no buildings or structures may be erected or built. Building lines shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the zoning ordinance.
7. *City* - City of West Okoboji.
8. *City Engineer* - The City Administrator, any duly qualified person, firm, or any registered professional engineer designated by the City Council.
9. *Collector Streets* - Those streets carrying traffic from minor streets to the major street system of arterial streets and highways, including the principal entrance streets of residential developments or for circulation within such developments.
10. *Commission* - The City of West Okoboji Planning and Zoning Commission.
11. *Comprehensive Plan* - A general plan for development of the community which may be titled master plan, comprehensive plan, or other title; and adopted by the City Council.
12. *Council* - The City of West Okoboji City Council.
13. *Crosswalk* - A pedestrian walkway connecting two or more blocks.
14. *Cul-de-sac* - A short minor dead-end street having one end open to traffic and the other end terminated by a vehicular turnaround.
15. *Develop* - To erect structure on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.

16. *Developer* - Any person or persons who develops or makes available to others, lots within a platted area for the purpose of erecting a structure.
17. *Easement* - A grant by the property owner of the use of land for specific purposes by the general public, a corporation, or certain persons on which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement consistent with the rights of the grantee. Utilities shall have the right to trim or remove trees that interfere with the use of such easements.
18. *Engineer* - A registered professional engineer authorized to practice engineering, as defined by the registration act of the State of Iowa.
19. *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. Half streets are not permitted in new subdivisions, except in certain circumstances reference in this ordinance.
20. *Highway* - A major street that carries a large volume of traffic (state/federal routes).
21. *Improvements* - Pavements, curbs, water mains, sanitary sewers, storm sewers, grading, street signs, lighting, plantings, and other items benefitting the welfare of the property owners and public.
22. *Land Surveyor* - Anyone who engages in the practice of land surveying pursuant to Chapter 114, Code of Iowa, authorized to practice surveying as defined by the registration act of the State of Iowa.
23. *Lot* - A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership, improvement or for building development.
24. *Major Subdivision* - All subdivisions not classified as minor subdivisions, including but not limited to, any size subdivision requiring a new public street, extension of local government facilities, or the creation of any public infrastructure or utility improvements.
25. *Major Street (or Thoroughfare)* - A street connecting various sections or neighborhoods in the community and used primarily for the convenient movement of large volumes of traffic.
26. *Metes and Bounds Description* - A description of land that uses distances and angles, distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.
27. *Minor Street* - A street used primarily to access abutting properties.
28. *Minor Subdivision* - Any subdivision fronting an existing road, not involving new roads, streets, or the extension of infrastructure or utilities; and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the comprehensive plan, zoning ordinance, or this ordinance.
29. *Mobile/Manufactured Home Subdivision* - A subdivision designed according to the city's subdivision regulations and designed only for the location of mobile/manufactured housing units on individual lots owned by the mobile/manufactured homeowner.
30. *Official Plat* - Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been approved by the city and filed for record in the offices of the county recorder, county auditor, and county assessor.
31. *Outlot* - A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot is an unbuildable lot. Typically, a subdivider may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale or (b) To reserve a portion of a final plat for construction of and future dedication of a detention basin to the city or private association.

32. *Owner* - The legal entity holding title to property being subdivided or such representative or agent as is fully empowered to legally act on the property's behalf.
33. *Parcel* - A subdivided part of a tract of land.
34. *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, with said cost being estimated by the city engineer; and surety bond, cash deposit, or letter of credit being legally sufficient to secure to the city said improvements will be constructed in accordance with this ordinance.
35. *Plat (or Subdivision Plat)* - A map, drawing or chart on which the sub divider's plan is presented to the Planning and Zoning Commission and City Council for approval; and which the developer intends to be recorded with the county recorder in final form.
36. *Proprietor* - ~~Is~~ A person who has a recorded interest in the land, including anyone selling or buying land pursuant to contract, but excluding persons holding mortgage, easement, or lien interest.
37. *Public Works Director* - The city employee, utility manager, city engineer, or any other city employee or official designated by the City Council for overseeing and administering the functions of the city's public works and infrastructure.
38. *Resubdivision* - Any subdivision previously included in a recorded plat. In appropriate context, the term may be used in referring to the act of preparing a plat of previously subdivided land.
39. *Right-of-Way* - The area measured between property lines, dedicated to and accepted for public use providing access to abutting properties.
40. *Roadway* - That portion of the improved or paved street intended for vehicular traffic; and measured from back to back of curbs where curbs are installed.
41. *Street* - 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 or improved surface installed within such right-of-way.
42. *Structure* -something (such as a building) that is constructed.
43. *Subdivider* - Any person, firm, or corporation undertaking the act of subdividing or resubdividing a tract or parcel of land.
44. *Subdivision* - A division of any lot, tract, or parcel of land into three (3) or more lots, plots, sites, outlots, or other divisions of land for either immediate or future sale, 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 any division of land if a new street is involved; and as further defined in Chapter 354, Code of Iowa.
45. *Tract* - An aliquot part of a section, a lot within an official plat, or a government lot.
46. *Utilities* - Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

ARTICLE 3. MINOR SUBDIVISIONS

Article 3: Minor Subdivisions

Section 3.1. Minor Plat Requirements

Section 3.2. Review by Agencies

Section 3.3. Procedures for Minor Subdivisions

Section 3.1. MINOR PLAT REQUIREMENTS.

In lieu of a major subdivision (preliminary and final plats), a landowner, developer or subdivider may utilize a minor subdivision as defined in Article 2. The subdivider shall prepare the proposed minor subdivision plat and furnish to the zoning administrator all plans and information, including eight (8) copies of the final plat conforming in detail to the requirements set forth in this ordinance. No minor plat shall be considered or acted upon by the City Council without first receiving recommendation by the Planning and Zoning Commission and affording a public hearing as published in the local newspaper per state statute. Furthermore, the city shall notify property owners by ordinary mail within 500 feet of the proposed subdivision of the time and place of the subdivision public hearing. The minor plat shall contain such information as required by this ordinance, specifically the requirements identified in Sections 5.2 and 5.3; and as may be specified by Chapter 354, Code of Iowa.

Section 3.2. REVIEW BY AGENCIES.

Upon review and recommendation from the Planning and Zoning Commission, the city clerk shall place the minor plat on the City Council agenda and thereafter forward copies of the submitted plat to the mayor and councilpersons, city administrator, zoning administrator, city attorney and other agencies or persons as may be deemed appropriate. Within 30 days thereafter, the city engineer or other city staff shall notify the Planning and Zoning Commission and zoning administrator that access onto a public street or highway can or cannot be provided and that other required improvements are or are not present. The city engineer or other city staff shall further notify the zoning administrator the land to be subdivided complies with all applicable city, county and state standards and the existing public improvements complies with applicable city standards.

Section 3.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within 60 days following receipt of a Planning and Zoning Commission recommendation, or additional time as the subdivider may authorize, the City Council shall hold a public hearing on the subdivision request. The council shall act upon the minor plat no more than 62 days after receipt by the city clerk.
2. The City Council may approve or disapprove of the subdivision request, after referring the proposed subdivision to the Planning and Zoning Commission for review prior to considering the minor plat. If approved the minor plat shall be certified by resolution. In the event a minor subdivision plat is not approved; the council shall state in writing how the proposed plat is objectionable.
3. Passage of a resolution accepting the plat shall constitute final approval. The subdivider shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the city shall recognize the plat as being in full force and effect. The subdivider shall record the plat within 60 days after the council's approval and is responsible for all recording costs. Additionally,

one copy of the approved minor plat, adopting resolution, and any restrictive covenants shall be submitted to the city administrator by the subdivider.

ARTICLE 4. PRELIMINARY PLAT

Article 4: Preliminary Plat

Section 4.1. Pre-application Meeting

Section 4.2. Preliminary Plat Procedures

Section 4.3. Requirements of Preliminary Plat

Section 4.1. PRE-APPLICATION MEETING.

Early in the planning stage, prior to the subdivision of any land, the subdivider shall be responsible for contacting the city and initiating a meeting with the Planning and Zoning Commission to discuss in general terms a proposed subdivision. No formal review or approval is required at this point as the purpose of the initial contact is merely to provide general information to the city and planning commission. Prior to obtaining approval from the Planning and Zoning Commission and City Council, the subdivider shall submit a preliminary plat in accordance with the requirements hereafter established.

Section 4.2. PRELIMINARY PLAT PROCEDURE.

In obtaining preliminary approval of a proposed subdivision by the City Council, the subdivider shall submit a preliminary plat in accordance with the following order and procedures.

1. The owner or subdivider shall first prepare and file with the city, twelve (12) copies of the preliminary plat conforming in detail to the requirements set forth in Section 4.3 of this ordinance, and the city shall forthwith refer a copy to each member of the Planning and Zoning Commission for review and consideration. Fourteen (14) copies of the preliminary plat shall be submitted for subdivisions within the unincorporated extraterritorial limits of the city.
2. In the case of a subdivision outside of the corporate city limits of West Okoboji but within the two-mile extraterritorial area, upon review and recommendation from the city's Planning and Zoning Commission, the zoning administrator shall refer the city's recommendation along with two (2) copies of the preliminary plat to the Dickinson County Board of Supervisors.
3. The city engineer shall examine such preliminary plat as to its compliance with the requirements with this city's subdivision regulations and other ordinances, and with sound engineering practices. The city engineer shall within 30 days of the date of application submit its findings to the Planning and Zoning Commission.
4. After receiving the engineer's comments, the Planning and Zoning 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 Planning and Zoning Commission shall make a recommendation to the City Council to approve or disapprove the preliminary plat within 45 days after the date the commission reviews the preliminary plat.
5. Upon receipt of the Planning and Zoning Commission's recommendation, and within 45 days, or an extension thereof, the City Council shall by resolution approve, disapprove or modify the recommendations of the commission and impose any requirements or grant any variances in conformance with this ordinance deemed necessary and appropriate for preliminary plat

approval. If the preliminary plat is disapproved, the City Council shall advise the owner or developer of any changes that are desired or should have consideration before approval will be given. The decision of the City Council together with all modifications, requirements, variances, and reasons thereof shall be noted on all copies of the preliminary plat. One copy of the preliminary plat shall be returned to the subdivider and the other copies retained by the city.

6. Conditional approval of the preliminary plat by the City Council shall constitute approval to proceed with the preparation of the final plat; but shall not be deemed approval of the subdivision or authorization to proceed on construction of improvements within the subdivision. The City Council and Planning and Zoning Commission may request professional assistance as it deems necessary to properly evaluate the subdivision plats as submitted
7. Upon approval of the preliminary plat by the City Council, the subdivider may proceed with preparation of the final plat and construction drawings and specifications for proposed 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 Planning and Zoning Commission within one year after date of preliminary plat approval.

Section 4.3. 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 Planning and Zoning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. Similar to the minor subdivision process, the preliminary platting process will not be considered or acted upon by the City Council without first receiving recommendation by the Planning and Zoning Commission and affording a public hearing as published in the local newspaper per state statute. Furthermore, the city shall notify property owners by ordinary mail within 500 feet of the proposed subdivision of the time and place of the subdivision public hearing. The subdivision shall be clearly marked "Preliminary Plat" and show, or have attached thereto, the following information:

1. **GENERAL.** The subdivision plat shall include a title, scale, north arrow, date, and official legal description of the property being platted. The scale of the preliminary plat shall be no less than 100' to one inch (1"). A scale of other than 100' to 1" may be used if prior approval is obtained from the city. Where more than one sheet is required, the sheets shall show the sheet number and match lines indicating where other sheets adjoin.
2. **NAME.** Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in West Okoboji or Dickinson County.
3. **OWNER.** The name and address of the owner and subdivider; and the name and address of the engineer, land surveyor or other professional preparing the plan.
4. **KEY MAP.** A map showing the general location of adjoining subdivisions, streets, parcels, etc. in relation to surrounding developments. A list of all owners and mailing addresses of record of property and residents located within 500 feet of the subdivision boundaries shall be attached.

5. ACRES. The acreage of the land to be subdivided.
6. BOUNDARIES. Subdivision 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. Existing and proposed contours at intervals of not more than two feet (2') if the slope of the site is less than 10%, and at intervals of not more than five feet (5') if the slope is 10% or greater.
8. STREETS. Present and proposed streets, roads, highways, alleys and sidewalks with their rights-of-way, dedicated widths, types and widths of surfaces, curbs, planting strips and location of streetlights. A typical cross-section of proposed streets showing the roadway location and type and width of surfacing. The type of surface drainage and other improvements shall also be shown.
9. LOTS. Proposed layout of all lots showing the numbers, dimensions, building setback lines, radii, chords; and the square foot area of irregular or nonrectangular shaped lots.
10. PUBLIC USE. Areas dedicated or reserved for public use such as schools, parks, playgrounds, or other public, semi-public, or community purposes shown for such purpose in the comprehensive plan or other adopted plans.
11. EASEMENTS. Present and proposed easements showing location, widths, and purpose.
12. UTILITIES. Present and proposed utility systems or services, including sanitary sewers, storm sewers, other drainage facilities, water lines, gas mains, electric utilities, street lighting telecommunications; and other facilities indicating the size, capacity, elevation and location of each.
13. ZONING. Existing and proposed zoning classifications of the subdivision.
14. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as requested by the Planning and Zoning Commission or City Council.
15. ACCOMPANYING MATERIAL. Any restrictions proposed to be included in the owner's dedication of the plat. Written statement by appropriate officials of the availability of utilities to the proposed subdivision. Written statements explaining how and when the subdivider proposes to provide and install all improvements required by this ordinance and acknowledging required inspections and approvals by the City Council and other public and private utilities.
16. FEE. The platting fee, as required by this ordinance, and as established by resolution of the City Council.

ARTICLE 5. FINAL PLAT

Article 5: Final Plat

Section 5.1. Final Plat Approval

Section 5.2. Requirements of Final Plat

Section 5.3. Final Plat Attachments

Section 5.1. FINAL PLAT APPROVAL.

The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. In obtaining approval of a proposed subdivision by City Council, the subdivider shall submit a final plat in accordance with the following order and procedure:

1. Upon approval of the preliminary plat by the City Council, the subdivider may proceed with the preparation of the final plat. The subdivider shall, before submitting the final plat to the Planning and Zoning Commission for approval, prepare and submit twelve (12) copies of the final plat conforming in detail to the requirements set forth in this ordinance. Approval of the preliminary plat by the City Council shall be null and void unless the final plat is presented to the City Council within twelve (12) months after the date of approval of said preliminary plat.
2. The final plat shall be filed with a certificate from the city engineer that the final plat is substantially in accord with the preliminary plat as approved by the Planning and Zoning Commission and the City Council.
3. The Planning and Zoning Commission shall then consider the final plat according to the procedures set out for preliminary plats in Article 4. If the final plat is approved, the Planning and Zoning Commission shall forward its recommendation to the City Council. Said recommendation shall include approval, disapproval or suggestions for modifications and reasons thereof. Said recommendation shall be advisory in nature only.
4. Upon receipt of the recommendation by the Planning and Zoning Commission, the City Council shall then consider the final plat. The council shall act within forty-five (45) days after receipt of the final plat. In the event the said final plat is found acceptable and in accordance with this ordinance, the City Council may approve and accept the same. If the final plat is disapproved by the City Council, such disapproval shall point out in writing why the submitted final plat is objectionable. If the Planning and Zoning Commission does not recommend approval of the final plat the City Council may still approve said plat, but only by a four-fifths (4/5) vote of the entire City Council.
5. The passage of a resolution by the City Council accepting the final plat shall constitute final approval of the platting. However, the subdivider or owner shall cause such plat to be recorded in the office of the Dickinson County Recorder, as provided in Chapter 354, Code of Iowa, and amendatory acts thereto. Notice or satisfactory evidence of such recording shall be filed with the city clerk within ninety (90) days after City Council approval. The city will not recognize

the subdivision plat as being in full force and effect until such subdivision is recorded.

6. Final acceptance for recording purposes shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after construction is completed, and upon inspection by the city engineer and appropriate entities.

Section 5.2. REQUIREMENTS OF FINAL PLAT.

The final plat shall conform substantially to the preliminary plat as approved. The final plat shall show the following:

1. **GENERAL.** The subdivider shall submit twelve (12) copies for review. The final plat shall be made by a registered engineer or professional land surveyor, and clearly and legibly drawn to a scale of not less than forty (40') feet to one (1") inch. A scale other than forty (40') feet to one (1") inch may be used if prior approval is obtained from the Planning and Zoning Commission. The sheet size shall not exceed twenty-four by thirty-six inches (24" x 36") or smaller than eight and one-half inches by eleven inches (8.5" x 11") and shall be of a size acceptable to the 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 name and title of the subdivision to be recorded. A correct legal description of the property subdivided. The subdivision shall show its location, north arrow or compass points, scale, and date.
3. **OWNER.** The name and address of the owner(s) and subdivider; and certification by a registered land surveyor in the State of Iowa preparing the final plat.
4. **ACCURATE BOUNDARY LINES.** Accurate boundary lines of the property, with dimensions, bearings, and angles that provide a survey of the property or tract. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be one foot (1') in ten thousand feet (10,000'); and one foot (1') in five thousand feet (5,000') for any individual lot.
5. **BENCHMARKS AND SURVEY MONUMENTS.** Location, type, materials and size of all monuments and markers. Accurate reference to known or permanent monuments or markers including all United States, State of Iowa, Dickinson 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 include all distances, radii, arches, chords, points of tangency and central angles. All distance, bearing, curve notes for all curves and other survey data as required by Chapter 114A, Code of Iowa.
7. **ADJOINING PROPERTIES.** Adjoining properties shall be identified. 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 or part of a previously recorded subdivision,

sufficient ties shall be shown to the earlier plat. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision.

8. **BLOCK AND LOT NUMBERS.** Lot and block numbers and lot dimensions.
9. **STREETS.** Street names and street right-of-way lines with accurate dimensions in feet and hundredths of feet. Streets that are continuations of existing streets should bear the same name. If new street names are required, they should be distinctive and not similar to existing street names. Street names may be required to conform to the city plan or by council's direction. Plan and profiles of all streets and alleys shall be at least fifty feet (50') horizontal scale and five feet (5') vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc. under streets and alleys. Profiles of east and west streets shall be drawn so 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 all property to be dedicated or reserved for public or community use.
11. **EASEMENTS.** Accurate locations, descriptions, and dimensions of easements; any limitations on such easements; including recording information of grantor and grantee of all easements.

Section 5.3. FINAL PLAT ATTACHMENTS.

The final plat shall contain the following accompanying materials.

1. **OWNER CERTIFICATION.** A statement by the owner(s) and the owner's spouse, if applicable, that the subdivision is platted with free consent and in accordance with their desire. The statement must be signed and acknowledged by the owner and spouse (as applicable) before some officer authorized to take the acknowledgments of deeds. The owner's statement may also include a dedication of public lands within the subdivision if the City Council approves such dedication.
2. **ABSTRACT OF TITLE.** A complete abstract of title and an attorney's opinion showing the fee title of the subdivision land is in the owner's name as shown on the plat and is free from encumbrances other than those secured by an encumbrance bond.
3. **CERTIFICATE OF DEDICATION.** A certificate of dedication to the city, properly executed, for all streets intended as public streets, and any other property intended for public use, except those areas outside the corporate city limits.
4. **COUNTY TREASURER CERTIFICATE.** A certificate from the county treasurer showing that all subdivision land is free from taxes and free from any other certified special assessments; or the land is free from taxes and secure any certified special assessments by a bond in compliance with Section 354.12, Code of Iowa
5. **COUNTY RECORDER CERTIFICATE.** A certificate from the county recorder showing the title is free from all encumbrances, judgements, attachments, mechanics or other liens of record

other than those secured by an encumbrance bond

6. **CITY COUNCIL APPROVAL.** A resolution of approval for the subdivision by the West Okoboji City Council with signatures of the Mayor and City Clerk.
7. **SATISFACTORY IMPROVEMENTS.** A written and signed statement explaining how and when the subdivider proposes to provide and install all improvements required by this ordinance. Such statement shall acknowledge required conformity with city specifications, inspections, and approvals by the city engineer or appropriate entity.
8. **RESOLUTION ACCEPTING IMPROVEMENTS.** Where improvements have been installed, a resolution from the West Okoboji City Council accepting and approving such improvements along with the maintenance bond required by this ordinance.
9. **COVENANTS OR DEED RESTRICTIONS.** Any protective covenants or deed restrictions to be imposed upon the plat shall be submitted for review.
10. **DRAINAGE PLANS.** The owner(s) shall submit drainage plans for the effective removal of storm water, of which will not negatively affect adjoining or neighboring property owners and not cause environmental pollution.

ARTICLE 6. DESIGN STANDARDS

Article 6: Design Standards

- Section 6.1. General Requirements
- Section 6.2. Streets
- Section 6.3. Alleys
- Section 6.4. Easements
- Section 6.5. Blocks
- Section 6.6. Lots
- Section 6.7. Plat Markers and Monuments

Section 6.1. GENERAL REQUIREMENTS.

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 to assure an economical, pleasant, and durable neighborhood. The following design standards shall be followed by all developers in subdividing or resubdividing land.

Section 6.2. STREETS.

1. Conformance with City or Street Plan. All proposed plats and subdivisions shall conform to the West Okoboji 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 relation to existing and planned streets, to topographic conditions, and with public convenience and safety. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to the neighborhood plan as approved by the Planning and Zoning Commission. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point in the subdivision is identified in a city plan.
2. Frontage or Access Streets. Where the proposed subdivision abuts or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special considerations, the Planning and Zoning Commission may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or other treatment as may be necessary for adequate protection of residential properties and separation of through and local traffic.
3. Cul-de-Sacs (or Dead-End Street). Cul-de-Sacs are permitted where topography and other conditions justify their use. Such streets shall not be longer than six hundred feet (600') and shall terminate with a circular 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 at the intersection of the turnaround and the straight 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 (130) feet may be required by the Planning and Zoning Commission for commercial or industrial subdivisions if deemed necessary.

4. Unplatted or Private Streets. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
5. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Planning and Zoning 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.
6. Street Intersections. Street intersections shall be as nearly at right angles as possible. No street intersection shall be less than sixty (60) degrees. When practical, acute angles between streets at intersections are to be avoided. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure sight distance of not less than two hundred feet (200'). Intersection of more than two streets at a point shall not be permitted.
7. Street Names. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. Proposed streets in alignment with other existing streets, 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 same name. Names of new streets shall not duplicate or sound like existing street names. Street names shall be subject to the approval of the City Council. Proposed name of the subdivision shall not duplicate or resemble existing subdivision names in West Okoboji or Dickinson County and will be certified by Dickinson County Emergency Management to verify.
8. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
9. Half Streets. The platting of half streets will not be permitted, except where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided and the other half may be platted if deemed necessary by the Planning and Zoning Commission.
10. Land Not Platted. Where the submitted plat includes only a part of the developer's plat, the Planning and Zoning Commission may require a map of the tentative future street system of the unsubdivided portion.
11. Street Grades. Streets and alleys shall be completed to grades that have been officially determined or approved by the city engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for main and secondary streets or ten percent (10%) for minor or local streets. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the city engineer.
12. Dedication of Streets. A dedication to the city shall be given for all streets before the same will be accepted for city maintenance. The city will not maintain any street until it has been constructed in accordance with city specifications.
13. Street Right-of-Way Widths. Minimum rights-of-way shall be provided in accordance with the recommended standards outlined in the Iowa SUDAS Manual (Statewide Urban Design and

Specifications).

14. Access to Lots and Parcels. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
15. Street Offsets. Street centerline offsets shall not be less than one hundred fifty feet (150') apart.
16. Bike Lanes. Bike lanes will be added to streets in newly developed subdivisions as they are economically feasible and as they conform to plans for future bike trail development and connectivity to existing bike trails as identified in the City's Comprehensive Plan and Dickinson County Trails Board Plans.

Section 6.3. ALLEYS.

Alleys will not be approved in any residential districts except where justified by unusual conditions. Alleys may be required in commercial districts, except that the Planning and Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys shall be no less than twenty feet (20') wide. Dead end alleys shall not be allowed.

Section 6.4. EASEMENTS.

Easements shall be at least ten feet (10') wide and provided as required by the city and/or utility companies. 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. Whenever any stream or essential surface water course is located in an area that is being subdivided, the subdivider shall, at their own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the city an easement along each side of the stream. The waterway easement shall be a minimum of twenty feet (20') on each side, plus stream design width, and a total width adequate to provide any necessary channel straightening or relocation.

Utility easements shall convey to the city and/or utility provider, 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 utilities, including the right to trim or remove trees within such areas where necessary to secure an open area with a vertical place to the easement line.

Section 6.5. BLOCKS.

No block shall be longer than one thousand two hundred feet (1,200') or less than five hundred feet (500') in length between the centerline of intersecting streets except as the Planning and Zoning Commission, in their opinion, deems extraordinary conditions justify a departure from these limits.

Section 6.6. LOTS.

Minimum lot dimensions and sizes shall conform to the West Okoboji Zoning Ordinance.

1. Commercial Lots. Depth and width of properties platted for commercial purposes shall be adequate to provide for off-street loading and parking facilities required by the type of use and development proposed.
2. Arrangement. Each lot in a new subdivision, after the effective date of this ordinance, shall contain a buildable area on the lot or parcel free from the danger of flooding.
3. Building Lines. Building lines (or setback lines) shall conform to the West Okoboji Zoning Ordinance and be shown on all lots within the platted subdivision.
4. Corner lots. 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 and shall conform to the West Okoboji Zoning Ordinance and be shown on all lots within the platted subdivision.
5. Double Frontage Lots. Double frontage or through lots, other than corner lots, shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. The front and rear yard areas of double frontage lots shall be identified on the subdivision plat and shall conform to the West Okoboji Zoning Ordinance and be shown on all lots within the platted subdivision.
6. Lot Lines. Side lot lines shall be substantially at right angles to street lines, or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.
7. Lot Width. Each lot shall be provided with satisfactory access to a public street in accordance with the West Okoboji Zoning Ordinance, subject to the following provisions. Each lot shall be provided with no less than fifty feet (50') feet of access to a public street. Side lot lines where possible shall be at right angles or radial to the street lines.

Section 6.7. PLAT MARKERS AND MONUMENTS.

Permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points as required by the city. The markers shall be steel and at least thirty inches (30") long and five-eighths inch (5/8") in diameter, with a surveyor's identification cap attached as per State Code. Wood markers are not acceptable. A permanent benchmark 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. The subdivider or developer shall provide the city with GPS (Global Positioning System) coordinates on all plat markers and monuments.

ARTICLE 7. IMPROVEMENTS

Article 7: Design Standards

- Section 7.1. Land Suitability
- Section 7.2. Resubdivisions
- Section 7.3. Required Improvements
- Section 7.4. Specifications
- Section 7.5. As-Builts
- Section 7.6. Final Completion and Acceptance
- Section 7.7. Guarantee
- Section 7.8. Improvements within Extraterritorial Jurisdiction

Section 7.1. LAND SUITABILITY.

If the city finds the land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property; or aggravate erosion or flood hazards, the City Council may not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems created by the subdivision and development of the land. Furthermore, the Planning and Zoning Commission may refuse to approve scattered or premature subdivision of land that would otherwise involve danger or injury to the public health, safety, welfare, or prosperity due to lack of adequate water supply, sanitary sewer, schools, proper drainage, or necessitate an excessive expenditure of public funds for the supply of such services.

Section 7.2. RESUBDIVISIONS.

The City Council may waive the requirements for construction and installation of some or all of the improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required. Furthermore, City Council may waive the requirements for improvements in the 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.

Section 7.3. 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 and appropriate entities. 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. Grading. The subdivider, at the subdivider's cost, shall bring all streets and alleys dedicated for public use within the subdivision area to the grade approved by the city prior to the installation of any underground utilities. All streets shall be a minimum of one foot (31') of paved surface, unless otherwise allowed by the city.
2. Street Surface. All streets that the city is to accept and maintain shall be surfaced with concrete cement or asphaltic concrete as required by the city and meet the minimum thickness standards according to the SUDAS manual. Where a surface paving width of more than thirty-one feet (31') is required the cost of the additional surface width, may be borne by the city. On arterial,

collector or primary streets where a high standard or greater thickness of street surfacing is deemed necessary by the city the additional cost may be borne by the city. All paving is to commence no later than one (1) year after the installation of all utilities. Paving thicknesses less than the above minimums may be allowed by the city, subject to proof of material strength and soil compaction ratios.

3. Curb and Gutter. Curb and gutter shall be constructed on hard surfaced streets as determined to be in the best interest of the city by City Council, upon recommendation of the Planning and Zoning Commission. If installed, curb and gutter shall be constructed of concrete to the grade, designs and specifications as approved by the city.
4. Sidewalks. The Planning and Zoning Commission may, when deemed necessary, require the subdivider to provide concrete sidewalks, at least four feet (4') wide, along each lot frontage. Such sidewalk will not need to be constructed until completion of site grading and construction on the lot but shall be constructed prior to occupancy of the structure. All improvements shall conform to the standards and specifications of the city.
5. Wastewater Sewers. The subdivider shall provide the subdivision with wastewater sewage facilities including all necessary pumping stations, force mains, pumping equipment and other appurtenances, which shall connect to a wastewater sewer outlet or public treatment facility approved by the City Council. The subdivider shall provide each lot with a service connection extended from the main to the lot line. All improvements shall conform to current city standards and specifications. Where oversized sewers are required to serve other areas of the watershed, the additional cost may be borne by the city or assessed on an area basis to the properties served.
6. Water Supply. The subdivider shall connect with existing water mains in accordance with the city and state standards and subject to city's supervision. The subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall be extended into the subdivision and include a water connection for each lot connected to the city's water system. All water system improvements, including fire hydrants shall be uniform throughout the subdivision and shall conform to the standards and specifications of the city. All water mains that serve the city, 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 may 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.
7. Storm Water. Adequate provisions shall be made for the disposal of storm water, subject to the approval of the City Council. The subdivider shall at the subdivider's expense provide the subdivision with adequate disposal of storm waters, including but not limited to drains, ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide the collection and removal of all surface waters and to maintain natural drainage courses. These improvements shall extend to the boundaries of the subdivision to provide for extension to adjoining properties. Where oversized stormwater sewers or drainage structures are required to serve other areas of the watershed, the additional cost may be borne by the city or assessed on an area basis to the properties served. All improvements shall conform to current city standards and specifications. No water course shall

be altered to divert surface drainage from one watershed to another. Storm water generated within a subdivision shall be contained within the subdivision unless specifically directed to a drainage way or other natural water course. Storm sewers are to be located, to the greatest extent possible, within that portion of the right-of-way outside of the paved or surfaced roadway.

8. Utilities. All utility lines will be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Utilities shall be provided in front lot easements or within the public right-of-way. When utilities are installed in street rights-of-way (water mains, gas mains, etc., and all service connections), all the in-street underground work shall be completely installed and approved through the length of the street and across the flat section before any pavement base is applied.
9. Other Improvements. The developer shall provide the subdivision with acceptable street signs at the intersection of all streets. The City Council reserves the right to require other infrastructure, landscaping, or physical improvements upon review of the final plat.
10. City Participation. Nothing in this section shall be construed to prevent the City of West Okoboji, Iowa, from furnishing financial assistance in subdivision development under criteria established by Chapter 15-A of the Code of Iowa if any improvements financed thereby shall be dedicated to and owned by the city.

After grading is completed and approved and before any pavement base is applied, all 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. All the above improvements shall be made in accordance with good engineering practices and the accepted practices, regulations and ordinances of the city; and shall have the approval of the public works department, city staff, city engineer, fire chief or any other public officer under whose department the installation of utilities and infrastructure may be affected. Sanitary sewer systems may be subject to approval by the county environmental health officer, Iowa Department of Natural Resources or the Iowa Great Lakes Sanitary District.

Section 7.4. 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.

Section 7.5. AS-BUILTS.

The subdivider shall furnish the city with as-built drawings at the completion of the installation of utilities.

Section 7.6. FINAL COMPLETION AND ACCEPTANCE.

The subdivider shall be responsible for the installation and/or 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 all costs or losses resulting from or contributed to such defective improvements. Before the City Council approves the final plat all the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said acceptance resolution, the city engineer shall report that said improvements meet all city specifications and ordinances or other requirements and agreements between the subdivider and the city. All the above improvements shall, upon their completion, inspection, approval, and acceptance by the City Council, become the property of the city or other entity taking ownership.

Section 7.7. GUARANTEE.

The completion of improvements requirement may be waived if the subdivider will post a performance bond or certified check with the city guaranteeing that required improvements will be constructed within a period of one (1) year. However, if a performance bond or certified check is posted, final acceptance of the subdivision plat shall not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction is complete and no public funds will be expended in the subdivision until such improvements are complete and accepted by the city. If a performance bond is posted, such bond shall be subject to review by the city attorney prior to acceptance. The subdivider shall specifically assure the expedient installation and completion of all improvements within the specified construction time and shall indemnify the city against all costs or losses from development and construction.

Section 7.8. IMPROVEMENTS WITHIN EXTRATERRITORIAL JURISDICTION.

Improvements in the two (2) mile extraterritorial review area in unincorporated areas of Dickinson County shall 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 be approved by the county engineer, and the board of supervisors accept completed roads 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 and property will also need to be brought up to city standards for development, as outlined in this ordinance.

ARTICLE 8. PUBLIC SPACE DEDICATIONS

Article 8: Public Space Dedications

Section 8.1. Park, Open Space & Public Use Dedications

Section 8.2. Other Public Space Dedications

Section 8.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.

In a new subdivision the City Council may, at their discretion, and at the recommendation from the Planning and Zoning Commission require the dedication or reservation of such parks, open space, or public lands within the proposed subdivision. Such reservations or dedicated lands for public use should be considered in accordance with the city's comprehensive plan.

Section 8.2. OTHER PUBLIC SPACE REGULATIONS.

1. Public open spaces, wherever possible, shall be located contiguous to other such areas in adjacent subdivisions 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 requires a public open space within the proposed subdivision, the subdivider shall reserve the dedication area.
3. If natural features, historic sites, and similar community assets are found to be located on land proposed to be subdivided, such areas shall be preserved in parks, opens spaces or public use lands within the subdivision.

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

Article 9: Administration and Enforcement

- Section 9.1. Fees
- Section 9.2. Variances
- Section 9.3. Enforcement and Penalties
- Section 9.4. Changes and Amendments
- Section 9.5. Validity and Severability Clause
- Section 9.6. Repealer

Section 9.1. FEES.

The City Council shall establish fees, by resolution, for review of each subdivision plat submitted. No fees shall be charged for public land subdivision plats submitted by any governmental entity or plats of property reserving or dedicating land to the city provided no other subdivision of land is shown thereon. No subdivision or resubdivision plat shall be considered filed with the city unless and until said subdivision plat is accompanied by the appropriate fee.

Section 9.2. VARIANCES.

Where the strict application of standards or requirements of this ordinance would result in substantial hardship or impose unreasonable restrictions on development of a tract of land because of natural or physical conditions or limitations not created by the subdivider, the Planning and Zoning Commission may recommend and the City Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this ordinance. However, such variance, modification or waiver be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare and will not have the effect of nullifying the intent or purpose of this ordinance. In granting any variance, the City Council may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. In no case, shall any variance or modifications be more than the minimum easing of the requirements and in no instance shall such variation or modification conflict with any zoning ordinance. A public hearing before the City Council is required prior to the granting of a subdivision variance. Any variance, modification, or waiver of the subdivision regulations by the City Council shall only be granted by the affirmative vote of four-fifths (4/5) of the members of the City Council.

Section 9.3. ENFORCEMENT AND PENALTIES.

In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated. No plat or subdivision in the city or within the two mile unincorporated 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. No zoning compliance permits shall be issued for any structure located on a lot in any subdivision, the plat of which is prepared after the effective date of this ordinance, which is not approved and recorded in accordance with the provisions contained herein. No public improvements over which the City 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 are approved in accordance with the provisions of this ordinance and accepted by the City Council.

It shall be unlawful for the owner, or the owner's agent, who knowingly or with intent to defraud, transfer, dispose or sell or agrees to sell or negotiates to sell such land before such plat is approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of no less than one hundred dollars (\$100) per day and not more than five hundred dollars (\$500.00) per day for each lot, or part thereof, so transferred, sold, disposed of, leased, or offered for sale. Each day that a violation of this ordinance occurs shall be deemed a separate and new offense. Additionally, any building erected in violation of this ordinance shall be deemed an unlawful structure and the zoning administrator or other city official may bring action to enjoin such erection or cause it to be vacated or removed.

Since street paving may commence up to one (1) year after the installation of all utilities, zoning permits may be issued for lots along unpaved streets provided the subdivider shall place a temporary gravel surface on all unpaved streets. The gravel surface shall be in accordance with current city specifications and shall not be construed to satisfy the street paving requirements of Sections 6.2 or 7.3 of this ordinance. The developer is responsible for maintaining the road until the street is paved.

Section 9.4. CHANGES AND AMENDMENTS.

Any provisions of this ordinance may be changed and amended from time to time by the City Council; provided such amendments shall first be submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall report within thirty (30) days after which the City 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 no less than four (4) and no more than twenty (20) days prior to such public hearing. The amendment shall become effective from and after its adoption and required publication.

Section 9.5. VALIDITY AND SEVERABILITY CLAUSE.

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

Section 9.6. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof. 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.

ARTICLE 10. EFFECTIVE DATE

Section 10.1. EFFECTIVE DATE.

This ordinance shall be in full force and 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)

ADOPTION

SUBDIVISION REGULATIONS ORDINANCE OF WEST OKOBOJI, IOWA

Passed and approved the first consideration on _____, 2019

Passed and approved the second consideration on _____, 2019

Passed and approved the third and final consideration on _____, 2019

Adopted on _____, 2019

Published on _____, 2019

Mayor, City of West Okoboji

ATTEST:

West Okoboji City Administrator/Clerk