

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 6 – SUBDIVISION CONTROL

ARTICLE I

GENERAL PROVISIONS

6-6.0101 SHORT TITLE. This chapter shall be known and may be cited as “The City of Carroll, Iowa, Subdivision Regulations”.

6-6.0102 PURPOSE. The purpose of these regulations is to establish minimum standards for the design, development, and improvement of all new subdivisions and re-subdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare.

6-6.0103 POLICY. It is hereby declared to be the policy of the City to consider the subdivided land and the subsequent development of the subdivided land as subject to the control of the City to provide for the orderly, efficient and economical development of the City. And further:

1. Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
2. Regulations to Supplement and Facilitate. It is intended that these subdivision regulations shall supplement and facilitate the enforcement of provisions and standards, ordinances or regulations of the City.

6-6.0104 APPLICATION AND JURISDICTION. Every owner or his agent of any tract or parcel of land lying within the City or within two (2) miles of the corporate limits of the City who has subdivided or shall hereafter subdivide the same into two (2) or more parts for the purpose of laying out an addition, building lot or lots, or acreage lots shall cause plats of such area to be made in the form, and containing the information as hereafter set forth, before selling any lots therein contained or placing the plat on record.

6-6.0105 INTERPRETATION. In their interpretation or application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Specifically:

1. Relationship to Other Public Provisions. These regulations are not intended to interfere with, or abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Relationship to Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

6-6.0106 ACTION UNDER PRIOR PROVISIONS. These regulations do not abate any action now pending under, or by virtue of, prior existing subdivision regulations. Nor do they discontinue, abate, modify, or alter any penalty accrued or about to accrue, or affect the liability of any person, or waive any right of the City under any section or provision existing at the time of adoption of these regulations. Nor do they vacate or annul any rights obtained by any person, by lawful action of the City except as expressed in these regulations.

6.6.0107. VARIANCES OR WAIVERS. The Planning and Zoning Commission and City Council reserve the right to authorize such variances or waive such portions of the Subdivision Regulations as will not be contrary to the public interests, where owing to special conditions a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and so that the spirit of the Subdivision Regulations shall be observed and substantial justice done. A request for such variance or waiver may be initiated by the property owner or his authorized agent by using the Application now available for Board of Adjustment variances. The Commission shall hold such hearing or conduct such investigation as it deems appropriate. A full public hearing shall be held before the City Council before any such variance or waiver of Subdivision Regulations shall be granted. Notice of the City Council's public hearing upon such request for waiver or variance shall be given by mailing written notice or by publication of notice in a newspaper in Carroll of the meeting to record owners of property abutting the tracts, lots, or parcels of land on which the variance or waiver is requested, and the City Administrative Officer shall notify record owners of any other lot or land parcel which is deemed affected by the proposed variance or waiver. Any decision by the Administrative Officer as to the identity of persons affected by the proposed variance or waiver shall not be subject to appeal.

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ARTICLE 2

DEFINITIONS

6-6.0201 DEFINITIONS. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is mandatory, and the word may is permissive.

1. “Alley”: shall mean a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose frontage is on some other street.
2. “Applicant”: shall mean the owner of land to be subdivided or his representative.
3. “Block”: shall mean a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries, or the exterior boundaries of a subdivision.
4. “Bond”: shall mean any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.
5. “Building”: shall mean any structure built for support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind, and includes any structure.
6. “Central Water System”: shall mean a private water system established by the developer to serve a new subdivision or re-subdivision. It includes water treatment and distribution facilities.
7. “Central Sewage System”: shall mean a private sewer system including collection and treatment facilities established by the developer to serve a new subdivision or re-subdivision.
8. “City Engineer”: shall mean the person designated by the Council to furnish engineering assistance for the administration of these regulations.
9. “Commission”: shall mean the Planning and Zoning Commission of the City of Carroll, Iowa.
10. “Council”: shall mean the City Council of the City of Carroll, Iowa.

11. "Cul-de-sac": shall mean a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.

12. "Developer": shall mean the owner of land proposed to be subdivided or his representative.

13. "Easement": shall mean an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

14. "Engineer": shall mean a registered professional engineer licensed under the provisions of Chapter 114, Code of Iowa, 1983.

15. "Frontage": shall mean that portion of a lot abutting on a street or way and complying with the set back and front yard requirements as they may exist, but it shall not be considered as the side of a corner lot.

16. "Individual Sewage Disposal System": shall mean a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

17. "Local Board of Health": shall mean a County, City, or district board of health.

18. "Lot": shall mean a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

18A. "Minor Subdivision". A Subdivision of land which meets the following criteria:

- A. All new lots shall front on and have direct access from an existing public street.
- B. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed Subdivision.
- C. No new lot shall conflict with any provisions or portion of the City Zoning Ordinance or this Ordinance.
- D. The quarter quarter section in which the proposed Minor Subdivision is to be located has not been divided previously into three or more tracts or lots, nor have more than two Plats of Survey of individual lots been located within that quarter quarter section.
- E. No more than three (3) lots are created by the proposed Minor Subdivision, not including the lot created by the remaining tract, but including any lots or tracts previously platted within the quarter quarter section.
- F. No municipal utility facility shall be created.
- G. The proposed Minor Subdivision is within the 2-mile area surrounding Carroll's city limits and within the jurisdiction of the City under Iowa Code Sections 354.9 and 414.23.

19. “Municipal Arterial Streets”: shall mean those streets which connect principal traffic generating areas or connect such areas with other street systems.

20. “Municipal Collector Streets”: shall mean those streets that collect traffic from municipal service streets and connect to other street systems.

21. “Municipal Service Street”: shall mean those streets and commercial alleys which serve primarily as access to commercial and residential property and shall also include streets within municipal parks.

22. “Owner”: shall mean any person, firm, corporation, or any legal entity having legal title to or sufficient proprietary interest in the land to be sought to be subdivided under these regulations.

23. “Plat”: shall mean a map, drawing or chart on which the developer’s plan of the subdivision of land is presented and which he submits for approval and intends in final form, to record.

24. “Public Improvement”: shall mean any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

25. “Right-of-Way”: shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, sidewalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not including within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

26. “Roadway”: shall mean that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

27. “Street”: shall mean and include any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words shall include every other of them, and shall include the entire width between property lines.

28. “Subdivider”: shall mean a person, firm, or corporation undertaking the subdivision or re-subdivision of a tract or parcel of land.

29. “Subdivision”: shall mean the division of a tract of land within the city or within two (2) miles of the corporate limits which land has been divided or shall hereafter be divided into

two (2) or more parts for the purpose of laying out an addition, building lot or lots, or acreage lots.

30. "Surveyor": shall mean a land surveyor licensed and registered under the provisions of Chapter 114, Code of Iowa, 1983.

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ARTICLE 3

PROCEDURE

6-6.0301 PROCEDURE. In obtaining final approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements of 6-6.0303 and install the required improvements or provide a performance bond.

6-6.0302 PRE-SUBMISSION CONSULTATIONS. Prior to the submission of the preliminary plat of any subdivision, the subdivider is required to meet with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the procedural steps, design standards, required improvements, and platting requirements. During such meetings, no commitments shall be made which will be binding upon the City.

6-6.0303 REQUIREMENTS OF PRELIMINARY PLAT. Every proposed subdivision shall be submitted for tentative approval in the form of a preliminary plat prior to the submission of a final record plat. The purpose of the preliminary plat and accompanying material is to provide all facts needed for the Commission and Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interest. The following graphic descriptive material is required to be provided on the preliminary plat and in the accompanying material.

1. Contents of Preliminary Plat. The preliminary plat shall be prepared by a registered engineer at a convenient scale of not more than one inch equals fifty (50) feet, prepared in pen, and the sheets shall be numbered in sequence if more than one sheet is used. The following information shall be shown on the preliminary plat:
 - A. Title, scale, north point and date.
 - B. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners. Exterior boundaries are to be indicated with a solid heavy line.
 - C. Present and proposed streets, alleys, sidewalks, and storm water inlets with their rights-of-way, in or adjoining the subdivision, dedicated widths, gradients, types and widths of surfaces, curbs, plantings, strips, location of street lights, fire hydrants, and street signs.
 - D. Proposed layout of blocks and lots showing dimensions, radii, chords, and the square foot areas of lots that are not rectangular, and the lot and block number in numerical order.
 - E. Building setback or front yard lines.
 - F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.

- G. Present and proposed easements, showing locations, widths, purposes, and limitations.
 - H. Location and names of adjoining parcels of unsubdivided and subdivided land.
 - I. Boundaries of the highest known flood of record or the 100-year recurrence interval flood, whichever is greater, affecting the subdivision and the source of information.
 - J. If the proposed subdivision borders on a lake or stream, the distances and bearings of meander line established not less than twenty (20) feet back from the mean high water mark of the lake or stream.
 - K. Existing blocks, lots and buildings.
 - L. Present and proposed utility systems including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size and location of each. If the subdivision is within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.
 - M. Proposed name of the subdivision.
 - N. Names and addresses of the owner, subdivider, builder, and engineer who prepared the preliminary plat, and the surveyor who will prepare the final plat.
 - O. Official legal description of the property being platted.
 - P. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
 - Q. Existing and proposed zoning of the proposed subdivision and adjoining property.
 - R. Location of all proposed monuments.
 - S. Location of natural water courses, bridges, wooded areas, and such other topographical features as are pertinent.
2. Information to be Provided in Accompanying Material. The following information shall accompany a plat when filing.
- A. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.
 - B. A table of the following information:
 - (1) Total acreage of subdivision.

(2) Total number of lots.

(3) Minimum, average, and maximum lot area.

(4) Acreage of public lands to be dedicated or reserved other than streets.

C. An attorney's opinion showing that the fee title to the property proposed or subdividing is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.

D. If any portion of the subdivision is to have access on a state or county jurisdictional street, a written and signed statement acknowledging and permitting the access by the duly authorized official of the appropriate jurisdiction.

E. A site grading plan for the entire subdivision with elevations referred to mean sea level as exhibited in standard U.S. Geological Survey Maps.

6-6.0304 SUBMISSION OF PRELIMINARY PLAT. The subdivider shall prepare a preliminary plat in accordance with the provisions of 6-6.0303 and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of two hundred fifty (250) dollars. Ordinance 9513, July 10, 1995.
2. Number of Plats. Be accompanied by a minimum of fifteen (15) copies of the preliminary plat. Ordinance 9513, July 10, 1995.
3. Time of Submission. Be presented to the Clerk at least twenty (20) days prior to the regular meeting of the Commission.

6-6.0305 REFERRAL OF PRELIMINARY PLAT. The Clerk shall immediately refer two (2) copies of the preliminary plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the preliminary plat to the County Board of Supervisors.

6-6.0306 REVIEW OF PRELIMINARY PLAT. The preliminary plat shall be reviewed by City staff to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Copies of the preliminary plat may be transmitted to other City or school officials, as the City staff deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer shall be transmitted to the Commission within ten (10) days from the date the plat is filed with them. The Commission and/or City staff may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

6-6.0307 ACTION BY THE COMMISSION. The Commission shall, as soon as possible, but not more than thirty (30) days thereafter, pass upon the preliminary plat as originally submitted or

modified. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification, or disapproval.

1. Reasons for Changes or Disapproval. In the event that substantial changes or modifications are made by the Commission or the Commission recommends disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be re-submitted in the same manner as the original plat.
2. Tentative Approval. If the Commission recommends approval, it shall express its approval as "Tentative Approval" and state the conditions of such approval, if any.
3. Documenting Approval. The action of the Commission shall be documented on seven (7) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and five (5) copies shall be referenced to the Council.

6-6.0308 ACTION BY COUNCIL. Within thirty (30) days of the receipt of the preliminary plat from the Commission, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be returned to the Commission for further review and the Clerk shall notify the subdivider of such action. If approved, the Clerk shall affix his signature to five (5) copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. One copy shall be returned to the Commission and three (3) copies shall be returned to the subdivider. The "Tentative Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

6-6.0309 EFFECTIVE PERIOD OF TENTATIVE APPROVAL. The tentative approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval must have been obtained. Any plat not receiving final approval within this period of time shall be void, and the subdivider shall be required to re-submit a new plat for tentative approval subject to all new zoning restrictions and subdivision regulations

6-6.0310 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of the preliminary plat shall constitute authorization by the Council for the installation of improvements as shown on the preliminary plat; provided, no such improvements shall be constructed or installed until and unless the plans, profiles, cross-sections and specifications for the construction of such improvements have been submitted to, and approved in writing by, the City Engineer.

1. Requirements of Public Improvement Construction Documents. The public improvement construction documents shall be prepared by a registered professional engineer in sufficient detail to permit bidding the work. The plans shall be prepared on standard sized sheets to a scale of not less than one inch equals twenty (20) feet for street paving improvements and one inch equals fifty (50) feet for sewer and watermain projects not associated with paving improvements.

2. Contents of Public Improvement Construction Plans. The following information shall be shown on the public improvement construction plans in addition to any other information deemed necessary by the City Engineer.
 - A. Title Sheet
 - B. Estimate of quantities and notes including bench mark data and references
 - C. Details
 - D. Plans and profiles including right-of-way and/or easement locations and curve data
 - E. Cross-sections
3. "As Built" Drawings. At the completion of construction of any public improvements or portions of improvements, and prior to acceptance of the improvements by the City, the City shall be provided with two copies of "As Built" drawings of the completed improvements, one being on drafting film capable of reproduction.

6-6.0311 COMPLETION OF IMPROVEMENTS. Before the Council will approve the final plat, subdivider shall agree to and sign a subdivision agreement which shall set forth the conditions for the installation of all the public improvements and set forth the terms and conditions of this plat. Before passage of resolution of acceptance, the City Engineer shall report that said improvements substantially meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the City.

6-6.0312 PERFORMANCE BOND. The completion requirement for improvements may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one year from final acceptance of the plat; but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed and approved by the City Engineer. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. Upon recommendation of the Commission, the Council may extend the completion date set forth in the bond for a maximum period of one additional year.

6-6.0313 FINAL PLAT. 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 he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

6-6.0314 REQUIREMENTS OF THE FINAL PLAT. The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

1. Contents of the Final Plat. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:

- A. The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the county recorder, assessor, and auditor. The original plat drawing shall remain the property of the registered land surveyor.
- B. The size of each sheet showing any portion of the subdivided lands shall not be greater than twenty-four (24) inches by thirty-six (36) inches nor less than eight and one-half (8 1/2) inches by eleven (11) inches.
- C. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.
- D. A maximum scale of fifty (50) feet to one inch shall be used. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.
- E. Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- F. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat, as well as the scale and date.
- G. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat, the location of the additional monument shall be shown on the plat.
- H. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
- I. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.
- J. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.
- K. Curve data shall be stated in terms of radius, central angle, tangent, and length of curve. In all cases, the curve data must be shown for the line affected.

- L. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
 - M. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as “more or less”, if variable. In all cases, the true boundary shall be clearly indicated on the plat.
 - N. All interior excepted parcels shall be clearly indicated and labeled, “not a part of this plat”.
 - O. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a re-subdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Re-subdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
 - P. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, television cable, water, sewer, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
 - Q. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
 - R. The purpose of all areas dedicated to the public must be clearly indicated on the plat.
 - S. Street names and clear designation of public alleys.
 - T. Block and lot numbers.
 - U. Name and address of owner and subdivider.
 - V. Accurate dimensions for any property to be dedicated or reserved for public use.
 - W. The plat shall be signed and acknowledged by the subdivision land owner and his or her spouse.
 - X. A sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
2. Information to be Provided in Accompanying Material. The following material shall be submitted with the Final Plat:
- A. A correct legal description of the subdivision land.

- B. A certificate by the owner and his spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
- C. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by any encumbrance bond.
- D. A certificate from the county treasurer that the subdivision land is free from taxes.
- E. A certificate from the clerk of the district court that the subdivision land is free from all judgements, attachments, or mechanics or other liens of record in his office.
- F. A certificate from the county recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.
- G. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- H. Resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
- I. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted with the preliminary plat, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
- J. The encumbrance bond, if any.

6-6.0315 SUBMISSION OF FINAL PLAT. The subdivider shall prepare a final plat in accordance with the provisions of 6-6.0314 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of fifty (50) dollars. Ordinance 9513, July 10, 1995.
2. Number of copies of Plat. Be accompanied by a minimum of fifteen (15) copies of the final plat. Ordinance 9513, July 10, 1995.
3. Offers of Dedication. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.

4. Time of Submission. Be presented to the Clerk at least twenty (20) days prior to the regular meeting of the Commission.

6-6.0316 REFERRAL OF FINAL PLAT. The Clerk shall immediately refer two (2) copies of the final plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the final plat to the County Board of Supervisors.

6-6.0317 ACTION BY COMMISSION. The Commission shall, upon receiving the final plat, as soon as possible, but not more than thirty (30) days thereafter, consider the final plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council together with a certified copy of its resolution showing the action of the Commission. If the Commission recommends approval of the final plat, such approval and the date thereof shall be noted on the plat over the signature of both the chairman and secretary of the Commission and the plat and five (5) copies shall be transmitted to the Council, and one copy shall be returned to the subdivider.

6-6.0318 ACTION BY THE COUNCIL. Upon receipt of the certification by the Commission, the Council shall, within sixty (60) days, either approve or disapprove the final plat.

1. Disapproval of Plat. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. Acceptance of Plat. In the event that said plat is found to be acceptable and in accordance with these regulations, the Council shall accept same.
3. Final Approval and Recording of Plat. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the county recorder of the county where the land to be subdivided is located, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

6-6.0319 RE-SUBDIVISION OF LAND. The following requirements shall govern the re-subdividing of land.

1. Procedure for Re-subdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision.
2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such

lots will eventually be re-subdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

6-6.0320 PROCEDURE FOR APPROVAL OF MINOR SUBDIVISION. The procedure for approval of a Minor Subdivision, as defined in Section 6-6.0201(18A), shall consist of filing with the Clerk:

- A. Final Plat of Survey of the Minor Subdivision.
- B. Application for Plat Approval with the proposed Final Plat of the Minor Subdivision.
- C. A recent aerial photo showing the quarter quarter section where the proposed Minor Subdivision is to be located.
- D. Certificate of the City Public Works Director certifying that the proposed Minor Subdivision will not create an undue burden on present or future City infrastructure.
- E. Certificate of the Zoning Administrator that the proposed Minor Subdivision would not violate either the City Comprehensive Plan or the current Zoning Code.
- F. Check from the Applicant in the amount of \$100.00 or such amount as may be set from time to time by the City Council.

6-6.0321 APPLICATION FOR FINAL MINOR SUBDIVISION PLAT APPROVAL: The application shall contain the following information and documentation:

- A. The names, addresses and telephone numbers of the owners of the land and the developer, if other than the owners.
- B. The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the Minor Subdivision.
- C. The approved name of the Minor Subdivision.
- D. A copy of any protective covenants or deed restrictions affecting the Minor Subdivision.
- E. A certificate to be signed by the County Treasurer, as required by Section 354.11 (5), Code of Iowa, as amended, that the land is free from certified taxes and assessments or that suitable bond has been posted for assessments.
- F. Such other and further information as the Commission may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

- G. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application, and 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 acknowledgment of deeds.
- H. A statement from the mortgage holders or lien holders, 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 acknowledgement of deeds. An affidavit and bond as provided for in Section 354.12 may be recorded in lieu of the consent of the mortgage or lien holder. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.
- I. An opinion by an attorney-at-law who has examined the abstract of title to 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.
- J. A certified resolution by the City Council as required by Section 354.8, Iowa Code, either approving the Subdivision or waiving the right to review.

6-6.0322. CONTENTS OF THE FINAL MINOR SUBDIVISION PLAT: The final plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat shall show the following:

- A. The approved name of the Minor Subdivision, which shall include the words "Minor Subdivision."
- B. The date of the document, approximate true north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.
- C. The names and addresses of the owner of the land, the developer, if other than the owner, and the engineering firm or surveying firm that prepared the final plat.
- D. The location by section, township, range, county and state and including descriptive boundaries of the Subdivision, based on accurate traverse, giving annular and linear dimensions which must mathematically close.
- E. The exact location and layout of lots, public or private streets already existing with accurate dimensions in feet and decimals of feet, interior angles, length and radii, arcs and intermediate tangents of all curves, and with all other information necessary to reproduce the plat on the ground.

6-6.0323. REVIEW BY COMMISSION AND COUNCIL OF MINOR SUBDIVISIONS. The process for review by the Commission and Council of Minor Subdivisions shall be the same as specified for review of final plats in Subdivision Code Sections 6-6.0316 through 6-6.0318. The Commission and Council reserve the power to require an Applicant to comply with all regular Subdivision requirements when the circumstances indicate such would be appropriate.

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 6 – SUBDIVISION CONTROL

ARTICLE 4

COMPLETION AND MAINTENANCE OF IMPROVEMENTS

6-6.0401 COMPLETION OF IMPROVEMENTS. Before the final plat is approved by the Council, all applicants shall be required to execute, in accordance with the Council's decision and to the satisfaction of the City Engineer, a Subdivision Agreement which provides for the completion of all public improvements and maintenance of them by the City after final acceptance of them by the City Council. All public improvements shall be dedicated to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

6-6.0402 PERFORMANCE BOND. The Council, in its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an alternative, the applicant post a bond at the time of application for final plat approval in an amount estimated by the Council as sufficient to secure to the City the satisfactory construction, installation, and dedication of the incompleted portion of required improvements. In addition:

1. Approved by City Attorney. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
2. Completion Period. The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat and shall be incorporated in the bond.
3. Extension of Completion Period. The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Commission may, upon proof of difficulty, recommend to the Council extension of the completion date set forth in such bond for a maximum period of one additional year. The Council may, at any time during the period of such bond, accept a substitution of principal or sureties on the bond.
4. Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Council and shall maintain same for the period specified by the Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.
5. Failure to Complete Improvement. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the

Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

6-6.0403 INSPECTION OF IMPROVEMENTS. The Council shall provide for inspection of required improvements during construction to insure their satisfactory completion. The applicant shall pay to the City an inspection fee equal to the actual cost of inspection. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than twenty-four (24) hours in advance of readiness for required inspections.

6-6.0404 RELEASE OR REDUCTION OF PERFORMANCE BOND. The performance bond may not be released or reduced except as follows:

1. Certificate of Satisfactory Completion. The Council will not accept dedication of required improvement's, nor release, nor reduce a performance bond until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed "as built" plans of the subdivision indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.
2. Reduction of Performance Bond. A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat.

6-6.0405 MAINTENANCE OF IMPROVEMENTS. Improvements shall be maintained and a maintenance bond provided as follows:

1. Maintenance of Improvements Before Acceptance. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Council. If there are any certificates of occupancy on a street not dedicated to the City, the City may on twelve (12) hours notice plow the street or effect emergency repairs and charge same to applicant.
2. Maintenance Bond. The applicant shall be required to file a maintenance bond with the governing body, prior to dedication, in an amount considered adequate by the Council and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of two (2) years on water mains and sanitary and storm sewer and four (4) years on streets after the date of their acceptance by the governing body and dedication of same to the local government.

6-6.0406 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS. Required improvements may be deferred or waived as follows:

1. Waiver of Required Improvements. The Council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgement are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
2. Deferral of Required Improvements. Whenever it is deemed necessary by the Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the City prior to the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

6-6.0407 ISSUANCE OF CERTIFICATES OF OCCUPANCY. No certificate of occupancy shall be issued until the extent of street improvement is adequate for vehicular access by the prospective occupant and by police and fire equipment.

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 6- SUBDIVISION CONTROL

ARTICLE 5

REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

6-6.0501 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by these regulations in accordance with the specifications and under the supervision of the Council and to its satisfaction.

6-6.0502 DESIGN STANDARDS ARE MINIMUM. 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 the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

6-6.0503 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the requirements established herein, all subdividers shall comply with the following laws, rules, and regulations.

1. State Statutes. All applicable statutes of the State of Iowa.
2. City Plans. Any comprehensive plans, public utilities plan, capital improvements program, or other adopted plan of the City.
3. State Agency Rules. The requirements and rules of state agencies such as the State Department of Water, Air and Waste Management, State Department of Health, and the State Department of Transportation, where applicable.
4. County Standards and Regulations. The standards and regulations of the County Board of Supervisors and County commissions, boards, and agencies where applicable.
5. City Standards and Regulations. The standards and regulations adopted by the Council, Boards, Commissions, and Agencies of the City.
6. Plat Approved and Conformity. Plat approval may be withheld if a subdivision is not in conformance with the above guides, or policy and purposes of these regulations.

6-6.0504 SUBDIVISION NAME. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Council, after consultation with the Commission, shall have the final authority to designate the name of the subdivision, which shall be determined at preliminary plat approval.

6-6.0505 MONUMENTATION. Monuments shall be in conformance with the following requirements:

1. Establishment of Permanent Control Monuments. Prior to the offering of the plat of any subdivision for record, the surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two (2) permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of the monument.
2. Other Monuments of Record. Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section.
3. Establishment and Recording of Other Monuments. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveying of lands by reference to the plat if the surveyor includes in the certification of the plat that the additional monuments required by these regulations shall be established before a specified future date.
4. Additional Monuments Required. Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section, and shall be set at all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:
 - A. At every corner and angle point of every lot, block or parcel of land created.
 - B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any streets, railroad, or other way.
 - C. At every point of curve, tangency, reversed curve, or compounded curve on every right-of-way line established.
5. Placement of Monument. When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the

monument shall be confirmed by the surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

6-6.0506 CHARACTER OF THE LAND. Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding areas or both, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the Council, upon recommendation of the commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

6-6.0507 LOTS. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

1. Lot Size. The minimum lot area shall be the minimum lot area for the zoning district in which the tract, or major portion thereof, is located according to the zoning ordinance and zoning map of the City of Carroll.
 - A. Residential lots where not served by public sewer shall be of sufficient size, as determined by the City and subject to any applicable state or county rules or regulations, to accommodate the type of private sewage disposal system proposed by the developer.
 - B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - C. Corner lots for residential use shall have an extra twenty (20) feet of width to permit appropriate building setback from and orientation to both streets.
2. Street Access. Each lot shall be provided with satisfactory access to a public street.
3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
4. Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
5. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm

drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

6. Building Lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Council may require building lines in accordance with the needs of each subdivision.

6-6.0508 BLOCKS. Blocks shall conform to the following requirements:

1. Provision for Lots. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.
2. Design Considerations. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - A. Provision for adequate building sites.
 - B. Zoning requirements where applicable.
 - C. Topography.
 - D. Needs for convenient access, circulation, control, and safety of street traffic.
3. Block Lengths. The lengths of blocks shall be appropriate to the type of development contemplated, but block lengths in residential developments shall not exceed thirteen hundred twenty (1320) feet, nor be less than four hundred ten (410) feet. Wherever practical, blocks along arterial and collector streets shall not be less than one thousand (1000) feet in length.
4. Easement Reservation. In blocks over eight hundred (800) feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities, or pedestrian traffic.
5. Pedestrian Crosswalks. Pedestrian crosswalks, not less than ten (10) feet wide, may be required by the Council through the center of blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve (12) percent in grade unless steps of an approved design are to be constructed.

6-6.0509 STREETS, GENERAL REQUIREMENTS. Streets shall conform with the following general requirements:

1. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.
2. Grading and Improvement Plan. Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.

3. Topography and Arrangement. Streets shall be in conformance with the following requirements related to topography and arrangement:
 - A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
 - B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.
 - C. All Municipal arterial streets shall be properly related to special traffic generators such as industries, business district, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - D. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - F. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking area so as to minimize conflict of movement between the various types of traffic, including pedestrian.
4. Access to State or County Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under state or county jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.
5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:
 - A. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial streets, and screening shall be provided in a strip of land along the rear property line of such lots.

- B. A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.
 - C. A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.
6. Street Names. Streets that are in alignment with others already existing shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council and Commission.
 7. Street Name Signs. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street name signs. The applicant shall deposit with the City at the time of final subdivision approval, the estimated cost of installation of each street sign required by the Council.
 8. Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the Council.
 9. Construction of Street and Dead-End Streets. Streets and dead-end streets shall be in conformance with the following requirements:
 - A. Construction of Streets. The arrangement of streets shall provide for the construction of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivisions plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
 - B. Permanent Dead-end Streets. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred fifty (150) feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited to length in accordance with the design standards of these regulations.

6-6.0510 STREETS; DESIGN STANDARDS. The following design standards shall apply to the design of streets:

1. General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required:
 - A. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on municipal arterial and municipal collector streets, and seventy-five (75) feet on municipal service streets.
 - B. When connecting street lines deflect from each other, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for municipal service and three hundred (300) feet for municipal collector streets, and of such greater radii as the Council shall determine for special cases.
 - C. Minimum Roadway and Right-of-Way Standards:
 1. Municipal arterial streets shall have a right-of-way width of not less than sixty (60) feet and a roadway width of not less than thirty-one (31) feet.
 2. Municipal collector streets shall have a right-of-way width of not less than fifty (50) feet and a roadway width of not less than twenty-eight (28) feet.
 3. Municipal service streets shall have a right-of-way of not less than fifty (50) feet and a roadway width of not less than twenty-eight (28) feet.
 4. Frontage streets shall have a right-of-way width of not less than fifty (50) feet and a roadway width of not less than twenty-eight (28) feet.
 5. Cul-de-sacs shall meet all the requirements for a municipal service street and, in addition, shall provide a turnaround with a right-of-way radius of fifty-three (53) feet and a roadway radius of forty-two (42) feet. No cul-de-sacs shall exceed five hundred (500) feet in length.
 - D. Street grades, wherever feasible shall not exceed the following:
 1. Municipal arterial streets – ten (10) percent.
 2. Municipal collector streets – ten (10) percent.
 3. Municipal service streets – fifteen (15) percent.
 4. Frontage streets – ten (10) percent.
 - E. All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty-eight (28) times the algebraic difference in percents of grade

for crest vertical curves and thirty-five (35) times the algebraic difference in percents of grade for sag vertical curves.

- F. No street grade shall be less than one half (0.5) of one percent. No street grade shall be less than thirty-five hundredths (0.35) percent within fifty (50) feet of the horizontal point on a vertical curve.
2. Street Surfacing and Improvements. After sewer, water and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said pavement shall be of Portland cement concrete or asphaltic cement concrete. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.
 3. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional widths is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one.
 4. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining land shall be treated as following:
 - A. In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited".
 - B. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
 - C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distances shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
 5. Intersections. The following standards shall apply to the design of intersections:
 - A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an

- intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Council.
- B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.
 - C. Minimum curb radius at the intersection of two (2) municipal service streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a municipal collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall contain horizontal curves in accordance with standard engineering practice to permit safe vehicular movement.
 - D. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
 - F. The cross-slopes on all streets, including intersections, shall be three (3) percent or less.
6. Bridges. Bridges of primary benefit to the applicant, as determined by the Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Council, will be fixed by special agreement between the Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his land is developed and so served.
7. Alleys. The following design standards for alleys shall be required of all subdividers:
- A. Alleys shall be prohibited in residential districts.
 - B. Alleys shall be provided in commercial and industrial districts, except that the Council 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.

- C. Alleys shall have a right-of-way of not less than twenty (20) feet and a roadway width of not less than twenty (20) feet.
 - D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
 - E. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Council.
8. Street Dedications and Reservations. The following provisions shall apply to street dedications and reservations.
- A. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
 - B. Where a subdivision borders an existing narrow street or when City plans or zoning setback regulations indicate plans for alignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

6-6.0511 STORM SEWERS AND DRAINAGE. The following requirements shall apply to the provision of storm sewers and drainage:

- 1. General Requirements. The Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods as approved by the Council, and a copy of design computations shall be submitted along with plans. When calculations indicate that curb capacities are exceeded at a point no further allowance shall be made for flow beyond that point, and inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
- 2. Nature of Storm Water Facilities. The applicant may be required by the council to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road

right-of-way where feasible, or in a perpetual unobstructed easement in accordance with the construction standards and specifications.

- A. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Council. However, in subdivisions containing lots less than fifteen thousand (15,000) square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outlet.
 - B. If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangements for future storm sewer disposal by a public storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.
 - C. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by applicable zoning regulations.
 - D. The Council shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
 - E. The Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.
3. Dedication of Drainage Easements. The following shall apply to the dedication of drainage easements.
- A. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the

drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. Drainage easements:

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
3. The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Council.
4. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the area requirement of any lot.

6-6.0512 WATER FACILITIES. Water facilities shall be provided as follows:

1. General Requirements. The following general requirements shall apply to the provision of water facilities.
 - A. Where a public water main is accessible, the subdivider shall install adequate water facilities, including fire hydrants, subject to City specifications. All water mains shall be at least six (6) inches in diameter.
 - B. Water main extensions shall be approved by the City.
 - C. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat.
2. Individual Wells and Central Water Systems. The following requirements shall apply to the provision of individual wells and central water systems.
 - A. In the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the appropriate County or State agency for testing, and individual wells and central water systems shall be approved by the

appropriate County or State health authorities. Orders of approval shall be submitted to the Council.

- B. If the Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.
3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of Section 6-6.0512. Fire hydrants shall be located no more than six hundred (600) feet apart and within three hundred (300) feet of any structure and shall be approved by the City.

6-6.0513 SEWERAGE FACILITIES. Sewerage facilities shall be provided as follows:

- 1. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City and the State Department of Water, Air and Waste Management or State Department of Health. Plans shall be approved by the above agencies.
- 2. Construction of Sanitary Sewerage Systems. Sanitary sewerage shall be constructed as follows:
 - A. Where a public sanitary sewerage system is reasonably accessible, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
 - B. Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time, not to exceed fifteen (15) years, the applicant may choose one of the following alternatives:
 - 1. Install a central sewerage system, operated and maintained by the benefited property owners. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.
 - 2. Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

C. Where sanitary sewer systems are not reasonably accessible and will not become available for period in excess of fifteen (15) years, the applicant shall install individual disposal systems or central sewerage systems.

3. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of applicable zoning regulations and these regulations. Percolation tests and test holes shall be made as directed by the City and the results submitted to the local Board of Health.
4. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

6-6.0514 SIDEWALKS. The following requirements shall apply to the provision of sidewalks:

1. Location of Sidewalks. Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets.
2. Construction of Sidewalks. Sidewalks shall be improved as required in subsection 2 of Section 6-6.0510 of these regulations.

6-6.0515 UTILITIES. The following shall apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including but not limited to gas, electric power, telephone, cable television, and CATV cables, be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
2. Easements. Easements shall be provided as follows:
 - A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
 - B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

6-6.0516 PRESERVATION OF NATURAL FEATURES AND AMENITIES. Existing features which would add value to residential development or to the City as a whole, such as trees, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

6-6.0517 NON-RESIDENTIAL SUBDIVISIONS. The following provisions shall apply to non-residential subdivisions.

1. General. If a proposed subdivision includes land that is used for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Council may require. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Council, and shall conform to the proposed land use and standards established in City plans and regulations.
2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.
 - A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - C. Special requirements may be imposed by the City with respect to street, curb, gutter, and sidewalk design and construction.
 - D. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm sewer drainage.
 - E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
 - F. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

6-6.0518 PUBLIC LAND. The provision of public land for school, parks, and recreational purposes is considered essential to the proper development of the City and the owner and/or

developer shall pay to the City of Carroll, an amount of money equal to five (5) percent of the estimated value of the entire tract being platted, without any physical improvements thereon. The land shall be appraised by the Commission or its appraiser. The fund which accumulates shall be used by the City of Carroll for the acquisition of public lands.

The owner and/or developer may, with the Council approval, deed the fee simple title to a location or lot within the tract which comprises five (5) percent of the total acreage of the land being platted.

If land to be subdivided contains a proposed site for a public use, the owner and/or developer shall reserve such site for such use. The Council may have the proposed site appraised independently, and upon payment of the appraised value to the owner, the owner shall convey the same in fee simple to the City or other governmental agencies. If sites which have been reserved are not acquired by the City or other public body within two (2) years of the date of the final plat approval, then such sites may be subdivided by the developer. The appropriate public body may release the reserved site sooner by certifying to the Council that it does not intend to acquire such site within the two (2) year period.

6-6.0519 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION. Improvements in the two (2) mile unincorporated area under the jurisdiction of these regulations shall be the same as required herein, provided they are not less than that required by the applicable county subdivision regulations, and provided further that all construction plans shall be approved by the County and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

TITLE VI – COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 6 – SUBDIVISION CONTROL

ARTICLE 6

ADMINISTRATION

6-6.0601 VARIATIONS AND EXCEPTIONS. The following shall apply to the granting of variations or exceptions.

1. Hardships. Where the Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Council shall not grant variations or exceptions to these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:
 - A. The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.
 - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - D. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
2. Conditions. In granting variations and exceptions, the Council may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these regulations.
3. Procedure for a Variance. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

6-6.0602 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law. Such proposed amendments shall first be submitted to the Commission for study and recommendation before the hearing is held. The commission shall forward 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.

6-6.0603 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City or within two (2) miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity until it complies with the provision of these regulations, has been approved by the Council as herein set forth, and further:

1. Issuance of Building Permits. No more than two (2) building permits for each separate tract existing at the time of the effective date of these regulations shall be issued unless the tract has been platted in accordance with these regulations; except this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by applicable land use regulations such as zoning and restricted residence regulations or additions or improvements to a main or accessory building already legally located upon said tract.
2. Sale or Lease Without Plat. Any person who shall dispose of or offer for sale or lease any lots in the City or addition to the City, until the plat thereof has been acknowledged and recorded as provided in these regulations; shall forfeit and pay fifty (50) dollars for each lot and part of lot sold or disposed of, leased, or offered for sale.