

CHAPTER 176

SUBDIVISION REGULATIONS

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176.01 TITLE AND PURPOSE

1. This chapter shall hereafter be known as the “Subdivision Code” or “Subdivision Regulations” and may be cited as such, and may be referred to herein as “chapter” or “Code” The city has adopted this Code in accordance with the provisions of Chapter 18B and Chapter 354 of the *Code of Iowa* and amendatory acts thereto.
2. The purpose and intent of this Code is to establish minimum standards for the division of land and for the design and construction of all subdivision improvements within the jurisdiction of the City of Norwalk to provide for:
 - A. A balance between the land use rights of individual land owners and the economic, social, and environmental concerns of the public while enforcing land use and subdivision regulations; and
 - B. Accurate, clear, and concise legal descriptions of real estate consistent with zoning and land use regulations and to prevent, wherever possible, land boundary disputes or real estate title problems; and
 - C. Regulation of the design and construction of public improvements and extensions thereto in a manner consistent with the Comprehensive Plan, Zoning Ordinance, and other plans as may be adopted by the City Council of Norwalk; and
 - D. Provide adequate land and infrastructure for building sites, transportation, parks, recreational trails and shared use paths, drainage ways, open space, and public facilities for orderly community development and adequate capacity for streets and utilities serving developable land within the jurisdiction of the City.

176.02 JURISDICTION AND APPLICATION

1. This chapter governs the division, subdivision, and platting of all lands within the corporate limits of the City and the unincorporated area within two (2) miles of the corporate limits of the City. It is the specific intent and purpose of this provision to

extend all applicable regulations concerning the division, subdivision, and platting of land as set forth in this chapter to all land within two (2) miles of the of the corporate boundaries of the city and to establish the City's jurisdiction for review and approval of all plats of subdivision, minor plats of subdivision, auditor's plats, acquisition plats, and plats of survey in accordance with the provisions of Section 354.9 of the *Code of Iowa* and as may be established by mutual agreement with Warren County or neighboring cities pursuant to Chapter 28E of the *Code of Iowa* in order to set forth reasonable standards and conditions for review of subdivisions within areas of overlapping jurisdiction.

2. No plat of survey, plat of subdivision, minor plat of subdivision, acquisition plat, auditor's plat, or other division of land within the City, or within two (2) miles of the corporate limits of the city, shall be recorded or filed with the County Auditor, County Recorder and/or County Assessor, nor shall any plat or subdivision have any validity until it has been approved in the manner prescribed herein. If it is determined that a proposed division of land is outside the city's planning area for annexation or extension of municipal services, the city's review authority may be waived by Resolution of City Council.
3. No improvements or development shall be commenced within any proposed subdivision until all provisions set forth in this Code have been satisfied in full; including but not limited to approval of a preliminary plat and construction drawings; and all approvals required by this Code have been obtained and remain valid.
4. No building permits shall be applied for on any lot or tract within any proposed subdivision until all provisions set for or issued until in this Code have been satisfied in full and all approvals required by this Code have been obtained and remain valid.
5. No public funds shall be expended or municipal services provided within any proposed subdivision until all provisions set forth in this Code have been satisfied in full; including but not limited to approval of a preliminary plat and construction drawings; and all approvals required by this Code have been obtained and remain valid.
6. Implementation for Plats of Subdivision. The Subdivision Regulations defined herein shall be effective on January 1, 2021. Any preliminary plat submitted to the Community Development Director prior to said date shall be permitted to comply with the Subdivision Regulations in effect on June 1, 2020 for all phases of development; provided the preliminary plat remains valid in accordance with Section 176.15 of this chapter. Any preliminary plat approved by City Council prior to January 1, 2021 shall be permitted to comply with the Subdivision Regulations in effect on June 1, 2020 for all phases of development; provided the preliminary plat remains valid in accordance with Section 176.15 of this chapter; and provided the required public improvements have been accepted by City Council and the Final Plat approved by City Council prior to January 1, 2026. On January 1, 2026, all Plats of Subdivision shall comply with the Subdivision Regulations defined herein for all remaining phases of the plat, even if the preliminary plat was approved under the Subdivision Regulations previously in effect.

7. **Implementation for Plats of Survey, Acquisition Plats, Auditor's Plats, and Condominiums.** The Subdivision Regulations defined herein shall be effective on January 1, 2021. Any plat of survey, acquisition plat, auditor's plat, or condominium subdivision submitted to the Community Development Director prior to said date shall be permitted to comply with the Subdivision Regulations in effect on June 1, 2020.

176.03 DEFINITIONS

1. **Access.** The location, place, means or way by which vehicles or pedestrians have ingress and egress to a property, roadway, parking or loading area, sidewalk, shared use path, or recreational trail.
2. **Aliquot Part.** A fractional part of a section within the United States public land survey system; only the fractional parts one-half, one-quarter, one half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
3. **Alley.** A minor way other than a street that is intended to provide a secondary means of vehicular access to more than one abutting property and that is open to common use.
4. **Building.** A structure that is designed, used or intended to be used for the protection, shelter, enclosure or support of persons, animals, or property.
5. **Building Envelope.** The contiguous area of a lot of sufficient shape to accommodate a principal building, exclusive of setbacks, easements, flood hazard areas, required open space, required buffers, or areas set aside for on-site wells or sewage disposal areas.
6. **City.** The City of Norwalk, Iowa.
7. **City Engineer.** The City Engineer of the City of Norwalk, or a consulting civil engineering firm designated to fulfill and/or assist the function of the City Engineer.
8. **Code of Iowa.** The State Code of Iowa and amendatory
9. **Commission.** The Planning and Zoning Commission of the City of Norwalk.
10. **Community Development Director (or Director).** The Community Development Director of the City of Norwalk.
11. **Comprehensive Plan.** The city's long-range plan for land use and development as formally adopted and amended from time to time by the City Council.
12. **Cul-de-sac.** A street having one end open to traffic and the other end permanently terminated and provided with a turn-around for vehicles.

13. **Developer.** Any person, individual, firm, partnership, association, corporation, estate, trust or other entity that proposes or acts to grade, improve, or otherwise prepare a parcel of land of possible use for any purpose other than agricultural uses that are exempted from local regulation by the Code of Iowa or to create a subdivision.
14. **Development.** The act or result of improving a parcel of land for possible use as a building site, or for the use of the land itself, for any purpose except an agricultural use that is exempted from local regulation by the Code of Iowa and public projects that are subject to approval by the City Council or State of Iowa under the requirements of other codes or regulations. Development includes, but is not limited to, any form of construction, renovation, redevelopment, or expansions of buildings or other structures; paving, water mains, storm sewers, sanitary sewers, or other improvements to the site; and clearing and other removal of vegetation, grubbing, contouring of land and other grading activities for any land use except an active agricultural use that is exempted from local regulation by the Code of Iowa.
15. **Development Application.** A request from a developer or proprietor for city approval of the subdivision of land by means of plat of subdivision, final plat; minor plat of subdivision, plat of survey, or acquisition plat, including submittal of all related documentation required by this chapter including but not limited to neighborhood sketch plans, preliminary plats, construction drawings, record drawings, and final plats.
16. **Development Review Committee (or Committee).** A committee or staff members, or designees thereof, established by the Community Development Director for the purpose of reviewing development applications and may include the City Engineer, Public Works Director, Parks and Recreation Director, Economic Development Director, Fire Chief, Police Chief; members of the committee may vary as determined by the Community Development Director based on the scope of the proposed project.
17. **Easement.** A grant of a right to use a defined portion of a property for a specified purpose or purposes.
18. **Elevation, Minimum Floor (or MFE).** The lowest elevation of the enclosed area of a building, including but not limited to a basement or crawl space and specifically with respect to the requirements of the National Flood Insurance Program.
19. **Elevation, Minimum Opening (or MOE).** The lowest opening into an enclosed area of a building as measured to the rough opening for a door, window, opening for mechanical equipment or ventilation, or other opening into said lowest area, and irrespective of any grade, structure or shutter fastened to or placed around the door or window or whether the door, window, or other opening is operable or inoperable, but not including footing drains or sewers serving the building.
20. **Frontage Road.** A street that is generally parallel to and separate from a major limited-access thoroughfare or highway, the primary purpose of which is to provide access to adjoining properties.

21. **Functional Classification.** The classification of a street or roadway at the sole discretion of the City Engineer as an arterial street, collector street, or local street.
22. **Horizontal Property Regime.** A subdivision that is created by declaration as provided by and in accordance with Chapter 499B of the *Code of Iowa* and including cooperative housing that is declared as provided by and in accordance with Chapter 499B of the *Code of Iowa*, usually but not necessarily for individual use, lease or to transfer ownership, whether immediate or future, and regardless of whether the division is by deed, description, devise, lease, map, plat, plan, other recorded instrument, previous division or subdivision or condominium or cooperative creation or conversion.
23. **Improvement (or Subdivision Improvement).** Any one or more of the following that is required by this chapter or by a development, the need for which is generated by a development project: clearing and other removal of vegetation; grubbing; contouring of land and other grading activities; streets and roadways; recreational trails, sidewalks, and shared use paths; signage for traffic control or other governmental purposes; traffic-control devised on roadways, trails, or paths; street, sidewalk, path, or trail lighting; water mains and appurtenances; sanitary sewers; storm sewers and other drainage improvements; erosion control including channel stabilization and sediment control; utility lines and appurtenances; landscaping, berms, fences, retaining walls and other buffers; parks, recreation, and opens space facilities and playgrounds; grading; and other improvements, whether on or off-site; as permitted by the *Code of Iowa* to mitigate impacts created by development.
24. **Lot.** A parcel of land that, exclusive of any outlot parcels, is of sufficient size and dimensions to comply with all requirements of the Zoning Ordinance and all other requirements and specifications for its intended use, whether or not its boundaries have been established by a plat of subdivision or plat of survey, and that has been fully improved in accordance with the subdivision improvement requirements of this Code.
25. **Maintenance Bond.** Surety or other security instrument that is in a form that is acceptable to the city and that is in such amount, duration and terms as to ensure that any and all subdivision improvements names in such surety will remain free from defects or failure of any sort, and in satisfactory and good repair for the duration of the periods of time specified by this Code.
26. **Metes and Bounds description.** A description of the boundaries of a parcel of land by use of distances and angles; distances and bearings; references to physical features of the land; or a combination thereof.
27. **Outlot.** A parcel of land that is not sufficient if size, dimensions, or physical character to comply with all requirements of the Zoning Code and/or all other Code requirements and specifications, or that has not been fully improved in accordance with the subdivision improvement requirements of this Code.

28. **Person.** Any individual, corporation, associations, firm, partnership or other legal entity, whether singular or plural.
29. **Park and Open Space Plan.** The city's comprehensive long-range plan for parks, recreational trails, shared use paths, and open space as formally adopted and amended from time to time by the City Council.
30. **Plat.** A map or set of maps that delineate the locations, boundaries, geometry, dimensions, bearings and other necessary information for lots, parcels, sites, units, condominiums, tracts or other real property interests that are to be created by a subdivision, or of existing parcels within an Auditor's plat.
31. **Plat of Subdivision.** A subdivision proposed by a developer who owns the real property being subdivided, or is acting with the consent and on behalf of the owner.
32. **Plat of Survey.** A graphical representation of a survey of one or more parcels of land, together with a complete and accurate description of each parcel, that is prepared by a licensed professional public land surveyor.
33. **Plat, Acquisition.** A plat that is prepared for or as the result of a conveyance or condemnation of a parcel of land or other corporal real property by the city; other governmental entity; or other persons having the power of eminent domain.
34. **Plat, Auditor's.** A plat that is prepared by order of a County Auditor or Assessor to clarify boundaries and descriptions of existing real property interests for the purposes of assessment and taxation, and that does not create any new parcels of land or other divisions of real property, except for conveyance to the city or other public jurisdiction.
35. **Plat, Final.** A complete and exact plat prepared in accordance with the accuracy required by the *Code of Iowa* and this Code for a subdivision, for the purpose of obtaining city approval of the proposed subdivision and subsequently recording it as an official plat.
36. **Plat, Minor.** A plat of subdivision that does not create or necessitate the creation of a new street and that does not contain more than ten lots or other parcels, excluding parcels being dedicated to the city or other governmental entity.
37. **Plat, Major.** Any plat of subdivision that is not a minor plat.
38. **Plat, Official.** A plat of subdivision or Auditor's plat that complies with this Code and the *Code of Iowa* and that has been filed and made of legal record in the offices of the appropriate County Recorded, Auditor, and Assessor.
39. **Plat, Preliminary.** A plat that delineates a developer proposed designs for a proposed subdivision and development improvements that are required for or related to the subdivision, including lot layout and supporting infrastructure.

40. **Replat (or Re-subdivision).** A plat consisting in whole or in part of land that has previously been included in a plat of record.
41. **Right-of-Way.** Property that is set aside for a public purpose or common use by more than one property or person if held in private ownership, that has an express or implied property interest such as by fee title or easement and that is separate and distinct from adjoining lots or parcels.
42. **Roadway.** The improved portion of a street right-of-way that is designed, intended and improved for use by vehicular traffic and where curbs are laid, the pavement between a set of curbs.
43. **Setback.** The horizontal distance between a property line and the nearest point of a structure, as measured along a straight line that is perpendicular or radial to the property line at the point of measurement, in accordance with the Zoning Code excluding any encroachments permitted by said Zoning Code.
44. **Shared Use Path (or Recreational Trail).** Public pathways restricted to pedestrians and non-motorized vehicles for the purpose of separating automobile traffic from pedestrian and non-motorized vehicles and/or providing connectivity for other public land uses.
45. **Street.** A roadway together with right-of-way that is the principal means of vehicular access to abutting properties or that is a corridor for vehicular travel and circulation, whether improved or unimproved and whether designated as a highway, street, avenue, road, drive, place, court, way, lane, or other vehicular way.
46. **Street, Arterial.** A street that is designed to connect major centers of activity within and beyond the city's boundaries by performing as a part of an interconnected system of major streets and highways, and accordingly to carry the highest volumes of traffic and the longest trips; including major and major arterial streets.
47. **Street, Collector.** A street that is designed to provide direct vehicular access to abutting properties and to collect traffic from local streets and to convey such traffic to the arterial street system.
48. **Street, local.** A street that is designed to primarily provide direct vehicular access to abutting properties.
49. **Street, Right-of-Way Width.** The distance between the boundary lines of a street as measured at a right angle or along a line that is a normal line to the centerline of the street at the point of measurement.
50. **Structure.** Anything constructed or a combination of materials that form a construction for use, occupancy or ornamentation, whether installed on, above, or below the surface of land or water.

51. **Subdivision.** The act or result of dividing a single interest in a parcel of land or other corporal real property into two or more lots, parcels, sites, units, condominiums, tracts or interests usually but not necessarily for individual use, lease or to transfer ownership, whether immediate or future, and regardless of whether the division is by deed, metes and bounds description, devise, lease, map, plat, declaration for the establishment of a horizontal property regime under Chapter 499B of the *Code of Iowa*, other recorded instrument, previous division or subdivision, or condominium or cooperative creation or conversion, except for the minimum division necessary under intestacy or a testator's division of real property amongst heirs; partners' division of firm real property amongst themselves upon dissolution by reason of insolvency; and other cases of similar nature. For purposes of this chapter, division of an aliquot part for agricultural purposes only shall not be considered as subdivision.
52. **SUDAS.** The Statewide Urban Design and Specifications program, including the design manual and standard specifications, maintained by the Institute for Transportation at Iowa State University.
53. **Surety.** A security instrument including, but not limited to, a bond, letter of credit, escrow deposit, or other financial guarantee, that the city finds acceptable in form and amount to ensure that all public and nonpublic improvements will be satisfactorily completed in full compliance with plans and specifications that are approved by the city, whether such improvements are required by this Code or as a condition of approval of a subdivision or other development.
54. **Surveyor.** A professional land surveyor who is licensed in the state of Iowa and who engages in the practice of land surveying pursuant to Iowa Code Chapter 542B.
55. **Tract.** An aliquot part of a section, a lot within and official plat, or a government lot.
56. **Utility Fixture.** Any structure or appurtenance associated with a utility system including but not limited to water valves, fire hydrants, curb stops, manholes, intakes, flared end section, clean-outs, handhole, pole, or pedestal.
57. **Zoning Ordinance (or Zoning Code).** The zoning regulations of the City of Norwalk, Iowa and amendments thereto as codified in Chapter 175 of the municipal code.

176.04 CLASSIFICATION OF LAND DIVISIONS

1. *Plat of Subdivision.*

- A. A plat of subdivision shall be required for any division of land that proposes either of the following actions or outcomes, regardless of whether it is a major plat, minor plat or a replat:
 - (1) To divide a single interest in a parcel of land or other corporal real property into two or more interests, including declarations and establishments of horizontal property regimes and cooperative

housing. For the purpose of making such determination, a conveyance of one or more parcels to the city or other public entity for use as right-of-way shall not be counted as one of said three interests; or

- (2) To create a new street, whether by choice or by necessity in order to comply with minimum frontage or other code requirements, and regardless of whether the street is to be dedicated for public ownership and maintenance, or held in common private ownership and use.

B. *Minor Plat of Subdivision.* A subdivision that divides a single parcel of land or other interest in corporal real property into not more than four (4) parcels or interest that each front onto an existing, paved public street(s) may be classified as a minor subdivision. The Community Development Director shall have the authority to classify a subdivision as a minor subdivision provided said subdivision:

- (1) Does not require any new public streets for access to any lot or parcel;
- (2) Does not require extension of public sanitary sewer, storm sewer, or water mains; and
- (3) Does not require grading or drainage improvements, including detention, to control runoff that may adversely affect downstream properties; and
- (4) Does not adversely affect the future development or platting of the remainder of the property or adjoining property; and
- (5) Is not in conflict with provisions of this Code, the Zoning Ordinance, or Comprehensive plan.

C. Preliminary plats and final plats for minor plats of subdivision, horizontal property regimes, and cooperatives may be filed for concurrent review and approval.

2. *Plat of Survey.* A subdivision that divides a single parcel of land or other interest in corporal real property into not more than two parcels or interests; a plat that combines several parcels into a single parcel to clarify or simplify its legal description; or a plat that clarifies the boundaries of one or more parcels of land that have metes and bounds descriptions and that does not create any subdivision, may be done by plat of survey if approved by the Community Development Director. Consecutive plats of survey on a single tract of land shall not be used to circumvent the requirement for a plat of subdivision.
3. *Acquisition Plat.* An acquisition plat may be completed in the same manner as a plat of survey, regardless of the number or new parcels of land or other corporal real property that are created by the subdivision, if all of the new parcels or interests will be held in public ownership by the city or other governmental entity, or by other

persons having the power of eminent domain for the purpose of acquiring such corporal real property.

4. **Auditor's Plat.** An auditor's plat shall comply with all of the submittals and procedures that are required for a plat of survey.
5. **Condominiums.** The establishment of a condominium, including the conversion of existing building(s) or construction of new building(s), with the intent to establish a horizontal property regime with interest in real property shared by co-owners owners shall comply with the requirements, conditions, and restrictions of Chapter 499B of the Code of Iowa and all applicable building codes, fire codes, zoning regulations, and subdivision regulations. All required documents including declaration of horizontal regime, articles of incorporation, bylaws, and rules and regulations shall be provided to the Community Development Director for review by Development Review Committee, and approval by City Council prior to recordation.

176.05 REVIEW AND APPROVAL PROCEDURE

1. **Pre-Application Conference.** Whenever a developer proposes a plat of subdivision, the developer shall contact the Community Development Director to schedule a pre-application conference. The pre-application conference shall include the developer and representatives, representatives from the department of community development and the engineering department, and such other city departments that express a desire to be included in such pre-application conferences on a regular basis, or that are deemed helpful or necessary by the Community Development Director. The purpose of the pre-application conference shall be to acquaint the city staff with the proposed subdivision, and to acquaint the developer with the procedures and requirements of this code along with issues and regulations that pertain to the subdivision. The developer shall furnish a reasonably specific description of the property to be subdivided at the time of requesting the pre-application conference and is encouraged to prepare and submit a conceptual layout plan for the proposed subdivision prior to the conference in order to facilitate the pre-application conference.
2. **Neighborhood sketch plan.** If the Community Development Director determines there is no existing master plan or neighborhood sketch plan or other plan that fulfills the intent of this section by adequately demonstrating how a proposed land development will be compatible with the development of adjoining lands and the Comprehensive Plan, the developer shall submit a neighborhood sketch plan to the Director prior to or in conjunction with the development application for a preliminary plat. Requirements for a neighborhood sketch plan shall be as set forth in Section 176.10 of this Chapter. The procedure for review and approval of a neighborhood sketch plan shall be the same as for a preliminary plat specified in subsection 3.A of this section.

3. *Plat of Subdivision*

A. *Preliminary Plat.* Following one or more pre-application conferences as determined to be necessary by the Community Development Director or as requested by the developer, a preliminary plat of subdivision (“preliminary plat”) shall be prepared by the developer and submitted to the Director in accordance with this chapter. Preliminary plats shall be reviewed and presented to the Planning and Zoning Commission in general accordance with the Submittal and Meeting Schedule further defined in Section 176.05, paragraph 9, of this Chapter.

- (1) The Community Development Director shall review the preliminary plat and shall promptly convey one copy of it to each member of the Development Review Committee for their review and recommendations. The Committee shall review the preliminary plat for conformance to all of the city codes, ordinances and specifications that they customarily enforce, and for conformance to applicable professional standards. Upon completion of their reviews, each member of the Committee shall forward their recommendations for action on the preliminary plat to the Director for inclusion in a consolidated, written staff report and recommendation that is to be prepared by the Director. The Committee may recommend that the plat be approved, approved subject to conditions and revisions, or that the preliminary plat application be denied for reasons that shall be set forth in the written Committee recommendation.
- (2) The Community Development Director shall provide a copy of the written staff report and the consolidated recommendations from the Development Review Committee to the developer prior to providing the report and recommendations to the Planning and Zoning Commission to afford the developer the opportunity to make any revisions deemed necessary or appropriate prior the preliminary plat being provided to the Commission. After consulting with the developer, the Director shall forward the Development Application along with the Committee report and recommendations, each as revised if applicable, to the Commission.
- (3) The Planning and Zoning commission shall review the Development Application and the recommendations of the Development Review Committee and act on the proposed preliminary plat in a timely manner, and may recommend to the City Council that it approve, approve subject to conditions or revisions, or deny the preliminary plat application, whether or not such recommendations are in accordance with the recommendations of the Development Review Committee. If the commission does not act on the preliminary plat in a timely manner, the developer may request the City Council to consider the preliminary plat and recommendations of the Development Review

Committee without the provision of any recommendations by the Planning and Zoning commission.

- (4) The Planning and Zoning Commission and City Council may, at their discretion, hold public hearings on a preliminary plat and may provide notice to nearby property owners or tenants in whatever manner or amount of time that the commission or council deems appropriate.
 - (5) Once a preliminary plat has been reviewed and acted on by the Planning and Zoning Commission, the Community Development Director shall forward the commission's recommendations and the Development Review Committee report and recommendations to the City Council for consideration at its next available meeting, subject to any notifications that may be directed by the Commission or Council and revisions to the preliminary plat to satisfy all recommended revisions and conditions, provided the City Council desires to have all such revisions completed to the Development Review Committee's satisfaction prior to the Council's consideration of the preliminary plat. The City Council may adopt the recommendations of the Development Review Committee; recommendations of the Commission if at variance with the Committee on one or more points; or act freely of their own volition, provided that, the Council shall have no authority to waive any requirements of the zoning code, or of any other city code unless provisions are expressly set out in the pertinent code to grant the council the powers to waive or make exceptions to or from such code.
 - (6) Upon approval by the City Council and filing of a revised preliminary plat that satisfies all conditions of approval, the Community Development Director shall retain a copy of the approved preliminary plat in the city files and provide a copy to members of the Development Review Committee and to the developer if requested.
- B. *Construction Drawings.* Following approval of the preliminary plat and during such time that the plat remains valid, the developer shall cause detailed construction drawings of and specifications for the subdivision improvements to be prepared by a professional civil engineer who is licensed in the state of Iowa (herein "developer's engineer") and submitted for review and approval by the city engineer.
- (1) The developer's engineer shall incorporate all of the subdivision improvements that are required by this code and other applicable regulations, and any that may be required by the City Council as a condition of approval of the subdivision, in the subdivision improvement plans and specifications and shall certify said plans and specifications as being fully compliant with this code and all other applicable regulations.

- (2) Said plans and specifications may allow for phased construction, provided such phasing was depicted on a valid preliminary plat. In order to facilitate such phasing, the City Engineer may require certain improvements, including but not limited to temporary turn-around(s) and extension of utilities to structures set beyond pavement limits, to ensure each phase remains each fully compliant with this code and all other applicable regulations.
- (3) Said plans and specifications shall be fully compliant with the valid preliminary plat and the conceptual design of the improvements as depicted therein. If the improvement plans and specifications deviate substantially from the valid preliminary plat, the plans and specifications shall be revised to conform, or the preliminary plat shall be revised and resubmitted for review and approval by the planning and zoning commission and city council, in full compliance with the requirements of this code.
- (4) Any improvement that is proposed to be constructed in accordance with special provisions that are in variance with or from the city's standard specifications shall first be reviewed and approved by the City Engineer, or their designated agent, as part of the full and complete set of subdivision improvement plans and specifications, and the City Engineer may require any such variance to be submitted for review and approval by the Planning and Zoning Commission and City Council in accordance with Section 176.14 of this chapter.
- (5) No improvement or development, or work preparatory thereto except clearing, grubbing and grading, shall be done prior to the city engineer's finding that the subdivision improvement plans and specifications are complete and in full compliance and have been properly certified by the developer's engineer, and are therefore approved; and that all required permits have been issued by the city engineer and all other applicable regulatory agencies. Grading may be commenced at developer's sole risk if the City Engineer concurs with conceptual grading plans that have been prepared by the developer's engineer.
- (6) The developer shall be responsible for applying for and obtaining approval of all required permits from federal, state, and local governmental agencies or jurisdictions prior to commencing construction of the subdivision improvements.
- (7) The developer's engineer shall be solely responsible and liable for ensuring that the subdivision improvement plans and specification are fully compliant with the requirements of this code and all other applicable requirements and permits. The City Engineer's approval of the subdivision improvement plans and specifications, or concurrence

with conceptual grading plans, shall only be deemed to allow the developer to commence work on the correlating subdivision improvements or grading, in accordance with the approved plans and specifications and all requirements of this code. The City Engineer's approval or concurrence shall not be found to assume, alleviate, or relieve the developer or developer's engineer from any liability or responsibility for said plans or grading plans and the requirement to construct the improvements in full compliance with this code; to create any vested right to proceed with any development or improvement that is not in full compliance with this code by reason of oversight, error or other reason; to waive any requirement of this code unless this code expressly allows a waiver to be made and any said waiver is made in writing; or to in any way create or assume any liability by or for the City or any of its employees and agents.

C. *Final plat.* Following the approval of a preliminary plat; approval of the construction drawings and specifications for subdivision improvement plans and specifications and acquisition of all required permits; and while the preliminary plat remains valid, the developer shall cause a final subdivision plat ("final plat") to be prepared for all of the preliminary plat or for a phase thereof as previously identified on the valid preliminary plat, and submitted to the Community Development Director in general accordance with the Submittal and Meeting Schedule further defined in Section 176.05, paragraph 9, of this Chapter.

- (1) The Community Development Director shall review the final plat and shall promptly convey one copy of it to each member of the Development Review Committee for their review and recommendations. The Committee shall review the final plat for conformance to the valid preliminary plat; conformance to the approved construction drawings and specifications; for conformance to all of the city codes, ordinances and specifications that they customarily enforce, and for conformance to applicable professional standards. Upon completion of their reviews, each member of the Committee shall forward their recommendations for action on the final to the Director for inclusion in a consolidated, written staff report and recommendation that is to be prepared by the Director. The Committee may recommend that the final plat be approved, approved subject to conditions and revisions, or that the final plat application be denied for reasons that shall be set forth in the written Committee recommendation.
- (2) The Community Development Director shall provide a copy of the written staff report and the consolidated recommendations from the Development Review Committee to the developer prior to providing the report and recommendations to the Planning and Zoning Commission to afford the developer the opportunity to make any

revisions deemed necessary or appropriate prior the final plat being provided to the Commission. After consulting with the developer, the Director shall forward the Development Application along with the Committee report and recommendations, each as revised if applicable, to the Commission.

- (3) The Planning and Zoning commission shall review the Development Application and the recommendations of the Development Review Committee and act on the proposed final plat in a timely manner, and may recommend to the City Council that it approve, approve subject to conditions or revisions, or deny the final plat application, whether or not such recommendations are in accordance with the recommendations of the Development Review Committee. If the commission does not act on the final plat in a timely manner, the developer may request the City Council to consider the final plat and recommendations of the Development Review Committee without the provision of any recommendations by the Planning and Zoning commission.
- (4) Once a final plat has been reviewed and acted on by the Planning and Zoning Commission, the Community Development Director shall forward the commission's recommendations and the Development Review Committee report and recommendations to the City Council for consideration at its next available meeting, subject to any notifications that may be directed by the Commission or Council and revisions to the final plat to satisfy all recommended revisions and conditions, provided the City Council desires to have all such revisions completed to the Development Review Committee's satisfaction prior to the Council's consideration of the preliminary plat. The City Council may adopt the recommendations of the Development Review Committee; recommendations of the Commission if at variance with the Committee on one or more points; or act freely of their own volition, provided that, the Council shall have no authority to waive any requirements of the zoning code, or of any other city code unless provisions are expressly set out in the pertinent code to grant the council the powers to waive or make exceptions to or from such code.
- (5) Upon approval by the City Council and filing of a revised final that satisfy all conditions of approval, the Community Development Director shall retain a copy of the approved preliminary plat in the city files and provide a copy to members of the Development Review Committee and to the developer if requested.

D. Recording of final plat to become an official plat.

- (1) No final plat shall be submitted for filing of record in the offices of the Warren County recorder, auditor and assessor; officially recognized by

the city; improvements within a subdivision shall not be accepted for public ownership and maintenance; building permits shall not be applied for; and public funds shall not be expended or services provided within a subdivision, until all provisions set forth in this code have been satisfied in full and all approvals required by this code have been obtained and remain valid.

(2) No final plat shall be released for filing of record unless and until:

- (a) The required subdivision improvements shall be satisfactorily completed to the full satisfaction of the city engineer, all Record Drawings have been provided in accordance with Section 176.11 paragraph 3, and all maintenance bonds shall be posted therefore in accordance with Section 176.09 paragraph 6, and performance surety shall be posted for any subdivision improvements that are incomplete and not ready for in accordance with 176.09 paragraph 3;
- (b) All fees and charges due to the city for review of all Development Applications, construction observation of the subdivision improvements; connection fees and other impact fees; assessments for streets and other improvements; reimbursements for water mains; and any other costs and financial obligations have been paid in full;
- (c) The developer has paid for the installation of streetlights;
- (d) The developer has reimbursed the city for all street name signs, traffic-control signs, and pavement markings;
- (e) Deeds and easements have been submitted to, and reviewed and approved by, the Community Development Director, in consultation with the City Attorney, in accordance with this code for all streets, parkland, shared use paths, public utilities and subdivision improvements that are to be dedicated to the city or owners' association, as the case may be;
- (f) All attachments to subdivision plats as required by Chapter 354.11 of the *Code of Iowa* code chapter 354.11 or contents of declaration as required by Chapter 499b.4 if the *Code of Iowa* as the case may be, development agreements, covenants and declarations establishing an owners' association, and any other attachments, declarations, certifications or other documents that may be required as a matter of the filing of a plat whether by the code or the city, have been submitted to, and reviewed and approved by, the Community Development Director in consultation with the City Attorney;

- (g) All conditions of approval of the final plat by the city council have been satisfied in full.
 - (3) The final acceptance of the plat shall not be deemed to constitute final acceptance by the city of any improvements or dedications except as expressly set forth in a City Council resolution. The improvements shall only be expressly accepted by separate action by the City Council after the City Engineer submits a statement advising the Council that all of the improvements have been inspected and found to have been completed in substantial conformance with city specifications and the approved subdivision improvement plans.
 - (4) Upon finding by the Community Development Director and City Engineer that all requirements of this code and of the code of Iowa have been satisfied, the Community Development Director shall release the final plat and all necessary documents for recording to the developer, and the developer shall promptly submit same for filing of record in the offices of the appropriate county recorder, auditor and assessor. Be it also provided that, the city may choose to file any and all deeds and easements for the plat itself, to ensure that they are in fact promptly and properly filed, and may charge the developer for all costs associated with said filing.
- 4. ***Minor Plat of Subdivision.*** A minor plat of subdivision shall comply with all of the requirements for a plat of subdivision, except that the developer may incorporate the preliminary plat and final plat into a single submittal for concurrent review and action by the city.
 - 5. ***Plat of survey.*** A plat of survey may be reviewed and approved by the Community Development Director and City Engineer for compliance with this code. The Community Development Director, with concurrence by the City Engineer, may approve the plat of survey, approve the plat of survey subject to conditions and revisions, or deny approval of the plat of survey for reasons that shall be set forth in a written staff recommendation. Alternatively, the Community Development Director, with concurrence by City Engineer, may require the plat of survey to be submitted for review and consideration in the manner of a plat of subdivision, or the developer may request that the plat of survey be reviewed in such manner.
 - 6. ***Acquisition plat.*** An acquisition plat may be reviewed and approved by the Community Development Director, with concurrency by the City Engineer, in the same manner as a plat of survey.
 - 7. ***Auditor's plat.*** An Auditor's plat shall be submitted, reviewed, and acted upon by the Community Development Director in the same manner as a plat of survey.
 - 8. ***Subdivisions Outside of Corporate Limits.*** All plats of subdivision, minor plats of subdivision, plats of survey, acquisition plats, and auditor's plats located in the

unincorporated area within two (2) miles of the corporate limits of the City shall be reviewed and approved in the same manner as a like Development Application located within the corporate limits of the City. The Development Application for such subdivisions that necessitate the extension and/or the provision of municipal services, whether at the time of platting or at some point in the future, shall be required to submit an application for voluntary annexation, signed by the owner of the real property included in such subdivision, which shall be recorded and kept on file in the city offices until such time as City Council approves the petition for voluntary annexation.

9. ***Schedule for Development Review and Approval.*** All development applications; with the exception of construction drawings, storm water management plan and record drawings; shall be reviewed by the Development Review Committee and then presented to the Planning and Zoning Commission and City Council in accordance with the Submittal and Meeting issued each year by the Community Development Director. It shall be the developer's responsibility to coordinate with the Director regarding the schedule for their development application. There shall be no automatic approval granted for development applications that do not strictly adhere to the Submittal and Meeting Schedule.
10. ***Number and Format of Submittals.*** All development applications; including construction drawings, storm water management plan and record drawings; shall be provided to the Community Development Director in pdf format. After final approval by the City, a certified pdf copy of the approved application shall be provided to the Director. Refer to the following table for the specific number and format of required submittals for various development applications.

Number and Format of Development Applications				
Submittal Type	For Review by Development Review Committee	For Planning & Zoning Commission Review	For City Council Review	Certified Copies Following Approval
Neighborhood Sketch Plan	2- 22" x 34" 4 - 11"x17	pdf only	pdf only	2 - 22" x 34"
Preliminary Plat	2 - 22" x 34" 4 - 11"x17	pdf only	pdf only	2 - 22" x 34"
Construction Drawings	2: 22"x34"	-	-	1 - 22"x34"
Final Plat	2 - 22" x 34" 4 - 11"x17	pdf only	pdf only	2 - 22"x34"
Record Drawings	2 - 22" x 34"	-	-	1 - 22"x34"
Plat of Survey, Acquisition Plats	1 - Full Size	-	-	1 - Full Size

11. ***Digital files of Plat Improvements Required.*** The developer's engineer shall provide the digital copies of the computer-aided design (CAD) files to the Community Development Director in ArcView shapefiles format; such file shall include all information shown on the approved Construction Drawing. An additional CAD file shall be provided to the City Engineer including all information shown on the approved as-built Record Drawings.

176.06 PARK AND OPEN SPACE DEDICATION

1. This section shall not apply to any development application, or portion thereof, which does not include residential development and is not zoned to permit residential use.
2. The method for fulfilling the developer's obligation for dedication of park and open space shall be determined in conjunction with the Preliminary Plat. An agreement regarding said dedication, if required, shall be approved at the time of Preliminary Plat approval unless otherwise directed by the Community Development Director.
3. For purposes of this section, the term "Comprehensive Plan" shall be deemed to mean the City of Norwalk's Comprehensive Plan together with its companion document, the City of Norwalk's Comprehensive Park and Open Space Plan, including updates and amendments thereto as may be adopted from time to time by City Council.
4. ***Dedicate Land For Park And Recreational Purposes.***
 - A. All persons making a development application shall dedicate to public use 8.5 acres of land for park purposes for each one thousand (1,000) people, based upon the projected population of the completed development application as calculated in accordance with this section. Therefore, the dedication of land for park purposes shall be equivalent to 370 square feet per resident. Such dedication shall be prorated to the amount indicated by the projected population to the nearest one thousand (1,000) square feet of land to be dedicated, but in any event, no dedication of such parkland shall contain less than ten thousand (10,000) square feet of land to be dedicated for park usage.
 - B. For purposes of this section, population in the completed area covered by the development will be determined by multiplying the number of housing units projected in the area covered by the development application for each type of dwelling unit times the anticipated average number of persons per unit as given below times the required square footage per resident. The quantity calculated for each type of dwelling unit shall be added together and the sum shall be the projected population for purposes of the development application. The selected dwelling unit type shall be based on the physical characteristics of the structure rather than on the type of ownership planned for the dwellings.
 - C. The parkland dedication for each dwelling unit type shall be as listed below. If any proposed dwelling unit types are not listed below, the Community Development Director shall determine which dwelling unit type(s) shall be used for purposes of calculating the parkland dedication for the development.

Parkland Dedication Requirements		
Dwelling Unit Type (As per Zoning Ordinance)	Population Per Dwelling Unit	Land Dedication Per Dwelling Unit
Single-Family Detached	3.00 persons	1,110 Square Feet
Single-Family Attached (Bi-attached, duplex, townhomes)	2.00 persons	740 Square Feet
Multiple Family (Apartments)	1.60 persons	592 Square Feet
Mobile Home	1.60 persons	1,044 Square Feet

- D. The city may require that all land dedicated under this section be configured or located to optimize aggregations of land and thus may require that the dedicated land be adjacent to the land affected by other development applications or otherwise maximize usefulness of the land in accordance with the Comprehensive Plan. The city may place similar requirements upon dedications under this section in order to assure useful aggregations of land for open space.
- E. In locations where open space has been designated on the Comprehensive Plan, such open space may be considered as parkland in fulfilling the parkland dedication requirement, or portion thereof. On large tracts of land where a future neighborhood park has been designated on Comprehensive Plan, at least five (5) acres of the required parkland dedication should be usable for development of a neighborhood park. For purposes of this section, land dedicated for open space purposes includes natural resource areas, watershed areas, floodplain, wooded ravines or embankments, recreational trails, or similar open spaces.
- F. For purposes of this section, the water area of ponds, retention basins, and detention basins shall not be included in determining any dedication for park or open space purposes. Ponds, retention basins, and detention basins may be considered as part of an approved Planned Unit Development Master Plan, if the park concept is acceptable to the Parks Director and City Council. Floodway areas, including streams and stream buffers, that are contiguous to parkland may count for a maximum of twenty-five percent (25%) of the park land dedication requirement, if the concept to include such areas is found acceptable to the Parks Director and City Council.
- G. The dedication of any land for park or open space purposes shall include dedication of a corridor or point of connection from public pedestrian access, the area of which shall be included in determining compliance with this section. A minimum of forty (40) feet of frontage to a public street is required

for each park dedicated in accordance with this section, with the exception of land dedicated for open space purposes which shall have a corridor or point of connection that is at least thirty (30) feet wide to accommodate recreational trails and at least fifty (50) feet wide where required by the City to accommodate park access drives.

- H. Master Agreement. If the land to be developed is part of a larger area being developed by a single developer or by a group of developers who enter into a single agreement with the City, the developer or developers may enter into a written agreement with the City providing for the dedication of the land relating to the present development in a future subdivision plat, which land shall be dedicated for recreational facilities serving the larger area under development by the developer or developers. The written agreement between the City and the developer or developers shall establish the timetable for the dedication of the land by the developer. The amount of land dedicated and the method of dedication shall be in accordance with the provisions of this section.
- I. Approval of a development application shall be conditioned upon the construction of (or providing sufficient surety for the construction of) the following improvements in accordance with the city's design standards:
 - (1) Streets abutting any dedicated land.
 - (2) Utility services (including hookups) to the boundary of any dedicated parkland, with the exception of open space land, including water lines, sanitary sewers, storm sewers, drainage structures, gas lines, electric lines, communications lines, and other such utilities as are (or will be upon completion) available to adjacent tracts.
 - (3) Sidewalks abutting any public street including recreational trail and shared use path connections as appropriate.
 - (4) Site grading and seeding. A minimum of 75% of the parkland area, with the exception of areas designated as open space as per subsection 4.E, of this section, shall be graded to accommodate active recreation. The active recreation area shall be graded such that slopes are not less than 1.5% or greater than 5%, except under special conditions when greater slopes are desired to enhance recreation, such as a sledding hill, as determined by the Park and Recreation Commission. On-site drainage patterns shall be designed and constructed to ensure runoff is not directed across active recreation areas and approved by the City Engineer. Active recreation areas and lawns shall have a minimum of 4 inches of clean, lightly compacted topsoil. Seeding shall be completed using permanent seed mixtures based on planned use of the property.

- (5) Streetlights on public streets abutting the parkland and open space land, with streetlights designed to illuminate park access location(s).
- J. If land dedication under this section requires an amendment to the Comprehensive Plan, the need for such an amendment will be reported to the Park and Recreation Advisory Commission which shall make a recommendation to the city council on the development application.
- K. The required land dedication under this section shall be reduced when the person making the development application provides perpetual public access by permanent easement to recreational facilities, playgrounds, unobstructed open spaces, ball fields, soccer fields, tennis courts, basketball courts, volleyball courts, picnic shelters, recreational trails and other similar non-duplicated recreational facilities which have been (or will be) constructed and maintained by the applicant and are not shown on the master parks and trails plan. There shall not be any credit for swimming pools, clubhouses and other recreational facilities not provided in public parks or open spaces unless such recreational facilities are specifically designated on the Comprehensive Plan. In order to determine the credit the city shall ascertain the fair market value of the land required to be dedicated under this section and from such value subtract 50% of the cost of the recreational facilities constructed by the applicant and provided under this section. The person making the development application shall then only be required to dedicate land equal in value to the remainder.
- L. Property subject to public access for recreational trails or shared use paths shown on, or proposed by the city to be shown on, the Comprehensive Plan shall be included in the calculation of parkland dedicated under this section.
- M. The dedication of land for recreational trails, or shared use path required under by this chapter shall be platted as an outlot to be owned by the city upon final platting. If specifically approved by City Council, the dedication may include easements to the public of land used, provided such easement is in conformance with Section 176.08, subparagraph 16(G) of this Chapter. The dedication of land shall be made by the applicant by provision of a warranty deed transferring title of an outlot or outlots to the City at the time of final approval of the plat. In the case where the parkland dedication will be fulfilled, at least in part, by dedication of an easement, the applicant shall provide an easement document granting right of use to the City and the general public at the time of final approval of the plat.
5. ***Alternative Location For Dedication.*** As an alternative to land dedication under subsection 4 of this section, any person filing a development application may provide jointly with other persons for the dedication of land in an amount at least equal to the amount required under subsection 4 of this section, at a location which is not part of the land for which approval is sought, provided such alternative is within the same neighborhood park district as the land for which a development application has been

made, that the alternative jointly provided will provide for a park with a total land area of at least five (5) acres and contiguous connective open space consistent with the Comprehensive Plan, and that such alternative dedication of land is or has actually been dedicated to the city and has been accepted by the city for use in accord with the said plans.

6. ***Dedication Requirement Less Than Ten Thousand Square Feet.*** Where application of the formula set forth in subsection 4 of this section results in a dedication requirement of less than ten thousand (10,000) square feet the person making or filing the development application may elect to dedicate ten thousand (10,000) square feet of land or fulfill their obligation by participating in an option provided by subsection 5 of this section, but such alternative participation shall be based upon the actual calculation under subsection 4 of this section and not upon the equivalent of ten thousand (10,000) square feet of land.
7. ***Alternate Plan.*** Subsections 4, 5 and 6 of this section notwithstanding, any entity required to comply with this section may present an alternate plan that meets the purposes of this section as a means of complying herewith. It will be the burden of the entity presenting such plan to establish that such plan meets the purposes of this section. The Park and Recreation Advisory Commission shall review such plan and make a recommendation to the Planning and Zoning Commission (where Planning and Zoning Commission recommendation is otherwise required) or, where the Planning and Zoning Commission does not review, then to the official or board responsible for review. If the Planning and Zoning commission or other official or board recommendation is not required, such plan and the recommendation of the Park and Recreation Advisory Commission shall be submitted to the City Council which shall approve or reject such plan by resolution. Any alternate proposal must directly and proportionately benefit the development. This subsection, however, does not authorize the payment of impact fees to the city in lieu of the parkland dedication requirements.
8. ***Single-Family Residential Units:*** This section shall not apply to any development application containing three (3) or fewer single-family residential units. A person making or filing a development application shall not divide land into separate plats in order to seek a waiver under this provision. Where a development application is made for multiple contiguous tracts within any two (2) years, the city may treat all the development applications as one for the purposes of this section.
9. ***Horizontal Property Regime:*** No declaration of a condominium regime under Chapter 499B of the *Code of Iowa*, nor any conversion of an apartment to a condominium under said Chapter shall be completed after the date of the adoption of this ordinance unless the person or entity filing the declaration shall have complied with the land dedication requirements of this chapter.
10. ***Severability.*** If any subsection or provision of this section is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other

provisions of this section which can be given effect without the invalid portion or portions and to this end each subsection and provision of this section is severable.

11. *Appeal Procedure.*

- A. Notice of Appeal; Fee. Any person making or filing a development application or any person, entity, or developer affected by any decision made by any department acting under Section 176.06, may appeal to City Council by filing notice of appeal with the City Clerk and a filing fee of one hundred dollars (\$100.00) payable to the City of Norwalk to be credited to the general fund of the city. Such appeal shall be filed within ten (10) days from the decision of the department acting under this chapter and shall set out in detail the reasons and grounds for the appeal. The City Clerk shall forthwith transmit to the City Council all papers constituting the record upon which the action appeal is taken. An appeal stays all proceedings in furtherance of the appeal.
- B. Public Hearing. The City Council shall upon the filing of an appeal fix a reasonable time for a hearing, giving public notice thereof as well as due notice to the parties in interest. All interested persons may offer oral or written testimony at the public hearing on the appeal. A vote of three (3) members of the City Council may affirm, modify, or reverse any decision of any department acting under this chapter.
- C. Park and Recreation Advisory Commission Review. Prior to the public hearing on appeal before City Council, the Park and Recreation Advisory Commission shall review the decision of any department acting under this chapter and shall make a recommendation to the City Council for consideration at the public hearing.
- D. Appeal To The District Court. Any person, entity, or developer aggrieved by any appeal decision of the City Council may within thirty (30) days from the date of the City Council rendering a decision, appeal therefrom to the district court of Warren County, Iowa, in accordance with the rules of civil procedure.

176.07 REQUIRED IMPROVEMENTS

- 1. The developer shall install and construct all public and private improvements required by this Chapter. All required improvements shall be installed and constructed in accordance with the approved specifications and under the supervision of the City Council and to its satisfaction.
- 2. All improvements required to be installed pursuant to this chapter and the approved construction drawings shall be installed prior to the issuance of building permits for buildings or structures lying within the plan unless the developer signs and Agreement to Complete covering the developer's obligation to complete all

outstanding punch list items and has provided to the City Engineer a performance bond, certified check or letter of credit to cover the cost of completing such punch list items, provided the City Engineer determines none of the outstanding punch list items negatively impacts the health, safety, or welfare of builders and construction workers, future inhabitants of the subdivision, or the general public.

3. Plats of subdivision shall be improved by the developer to provide all lots within the subdivision with adequate streets and access, public water mains and fire hydrants, public sanitary sewers, storm sewers and other drainage improvements, streets, sidewalks, shared use paths recreational trails, parks and park infrastructure, mailboxes, streetlights, street signs, and traffic control signs, all to be designed and constructed by the developer as subdivision improvements in full accordance with the chapter and particularly in accordance with design standards set forth in Section 176.08.
4. A developer may be required to extend or expand existing off-site public infrastructure as necessary to fully improve a proposed subdivision, or the City Council may, at its sole discretion, require a proposed subdivision to be delayed until such extension or expansion can be funded and constructed by the city or other developer or governmental entity.
5. Developers shall provide for the perpetual maintenance of any and all subdivision improvements that are not dedicated to the city or other governmental entity, by establishing an owners' association or other person, whether an individual or individuals, in a manner and form that is acceptable to the city. Such improvements may include but are not limited to storm water detention basins, ponds, bioswales, and infiltration basins; buffer yards, landscaping, fencing or walls, and other screening; subdivision signs, directional signs, traffic signs and pavement markings; and on-site lighting.

176.08 DESIGN STANDARDS

1. *General requirements.*

- A. Subdivisions shall not endanger health, safety or general welfare of the public or of persons residing or working on nearby properties, and shall not impair an adequate supply of light and air to nearby properties.
- B. Subdivisions shall be designed to locate and configure subdivision improvements in a manner that will not unduly diminish or impair the use and enjoyment of nearby properties. No subdivision shall be designed or improved in a manner that impedes or appears to impede the development of nearby properties that are within the city or the designated area of review.
- C. Subdivisions and all subdivision improvements shall conform to the Comprehensive Plan, Zoning Ordinance, Post-Construction Storm Water Management regulations, and all other applicable city, state, and federal regulations.

- D. Developers shall provide for the perpetual maintenance of any and all subdivision improvements that are not dedicated to the city or other governmental entity, by establishing an owners' association or other person, whether an individual or individuals, in a manner and form that is acceptable to the city. Such improvements may include but are not limited to storm water detention and infiltration basins; buffer yards, landscaping, fencing or walls, and other screening; subdivision signs, directional signs, traffic signs and pavement markings; and on-site lighting.
- E. Every subdivision shall be designed with regard for existing and proposed topography and drainage patterns, by blending grading for the subdivision smoothly into the land forms on adjoining properties; considering and providing for drainage into and through the subdivision, both existing conditions and at full development of the drainage basin; and by controlling runoff.
- (1) An attempt should be made to preserve mature upland forestation and other natural vegetation and geological features, while recognizing that the developer is required to substantially grade and contour a subdivision to construct the required subdivision improvements and properly grade streets, alleys, and lots to comply with this and other city codes and regulations, and state and federal regulations, and recognizing that the probability of post-development survival of trees and other existing vegetation may be greatly diminished by such necessary site modifications and disturbances.
 - (2) Clear cutting shall not be permitted, particularly in areas identified as agricultural reserve/open space or park/recreation on the Comprehensive Plan, unless specifically approved by City Council and in consideration of quality of species.
 - (3) Where preservation does not appear to be practical, subdivision and development landscaping should select overstory tree species that will create or reestablish the dominant tree species that would be native to the environ when possible, or alternatively to create subdivision character that is in keeping with the city as a whole, or that will uniquely identify the subdivision.
 - (4) The timing of tree clearing operations shall be in compliance with Iowa Department of Natural Resources regulations.
- F. Subdivisions shall not create or perpetuate outlots that are intended to prevent adjoining properties from having access to subdivision improvements that are or will be dedicated to the city unless such outlot is expressly approved by the City Council at the time of preliminary plat approval.

- G. Subdivisions and all subdivision improvements shall conform to the Comprehensive Plan, Zoning Code, and all other applicable city and state regulations.
- H. *Standard Specifications.* All design and construction shall be in accordance with the Statewide Urban Design and Specifications program [“SUDAS”]. The term “SUDAS” shall be interpreted to include both the SUDAS Design Manual and the SUDAS Standard Specifications, each as current at the time the preliminary plat was approved by City Council, including any amendments approved by the City of Norwalk. Where any conflict exists between SUDAS and the design standards prescribed by this chapter, the requirements of this chapter shall govern.

2. *Site Suitability.*

- A. 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, and shall not be subdivided until showing can be made that those public utilities and improvements will be provided as required by this chapter and/or other applicable ordinances of the city, and proper provision has been made for drainage, water, sewage, transportation facilities and other improvements, to the greatest extent possible, attention shall be directed to the prevention of pollution of air, water, including streams, ponds, and subsurface water aquifer(s).
 - (1) Areas along major drainage ways and/or areas having steep or unstable embankments shall be required to provide easements of sufficient size to allow for slopes to be laid back at a 4:1 slope should regrading be required in the future, unless such requirement is waived by the City Engineer.
- B. 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 health, safety and general welfare of the present or future inhabitants of the subdivision, surrounding areas, or both, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by City Council, upon recommendation of the Planning and Zoning Commission to solve the problems created by the unsuitable land conditions.
- C. Soil tests and geotechnical report are required in accordance with Section 176.11, subsection 1(E); to ascertain whether expansive soils or other conditions exist that may affect the suitability and design of the subdivision and subdivision improvements.

3. *Blocks.*

- A. No block shall be longer than 1,320 feet, measured from street centerline to street centerline.
- B. At street intersections, block corners shall be rounded with a radius of not less than 25 feet as measured at the right-of-way line. However, the right-of-way radii at intersections involving one or more arterial street shall require special design as consideration and approval by the City Engineer.

4. *Lots.*

- A. Minimum lot dimensions and size shall conform to the requirements of the Zoning Code for the applicable zoning district.
- B. A subdivision may establish setback lines that are greater than the minimum requirements of the Zoning Code or other city requirements for any or all lots. By so drawing or designating such setback lines on the plat, such setback lines shall thereafter be the minimum setback requirements for said lots.
- C. Setback lines shall parallel the street right-of-way. Minimum lot widths and frontage shall be measured parallel or radial to the right-of-way line respectively for straight or curved segments.
- D. Side lot lines shall be at right angles to the street right-of-way, or radial to the street right-of-way on curved streets.
- E. *Minimum street frontage.* All lots shall front onto a street and obtain vehicular access from a street. Lots that front onto a public street shall have the minimum street frontage required by the Zoning Code, including lots that front on cul-de-sac turnarounds.
- F. *Corner lots.* All corner lots shall have a minimum width of 20 feet greater than the minimum lot width required by the Zoning Code in order to permit adequate building setbacks on both front and side streets.
- G. *Double Frontage Lots.* Double frontage lots shall be prohibited, except where such lots back onto a major thoroughfare or highway or in the case of large commercial or industrial lots. Such double frontage lots shall have a buffer adjoining the rear street frontage. The building setback shall be measured from the boundary of landscape buffer zone.
- H. *Flag Lots.* The division of land into a flag lot or lots shall generally be discouraged by the City; and only permitted to provide access to lots where there exists unique topography, an unusual configuration of land ownership, adjoining developed land will not allow access from a public street, public land or environmentally sensitive land that is planned to be left undisturbed, or to minimize streets or public infrastructure to reduce maintenance responsibilities. Flag lots shall be permitted only when specifically approved by City Council.

- I. *Buffers.* Buffers and improvements thereto shall be provided by the developer in accordance with the minimum requirements of the Zoning Code, or such additional requirements that the City Council may stipulate as a condition of approval of a plat. All fences, berms and buffer yard plantings and improvements shall conform to the Zoning Code.
- J. *Lot Size where Public Services Are Not Available.* For the purpose of complying with minimum health standards, lots which cannot be reasonably served by an off-site public or common sanitary sewer system shall have a minimum width of 125 feet measured at the front yard setback line and an area of not less than 40,000 square feet. Lots shall be a minimum of 10 acres where there is proposed an on-site well for potable water and on-site sewage disposal is proposed.
- K. *Building Envelope.* Every lot, with the exception of townhome lots, shall have at least 2,000 square feet of contiguous area, hereinafter referred to as the "building envelope", of a shape sufficient to hold a principal building unless otherwise approved on a Planned Unit Development Master Plan. The building envelope shall be exclusive of setbacks, floodway, and easements and shall be shown on the preliminary plat.

5. *Grading.*

- A. All lots in subdivisions shall be graded to be entirely one foot or more above the base flood elevation as determined by the Federal Emergency Management Agency (FEMA) for a regulatory flood having a one percent or less chance of occurring in any one year, or any such higher standard that may hereafter be adopted by FEMA, and to allow basements that will be not less than one foot above the base flood elevation of the regulatory flood to be included in single-family detached residential and any and all other development that customarily is constructed with basements or other low enclosed building areas, on all lots. The developer shall cause minimum floor elevations (MFE) that are fully compliant with city and FEMA regulations to be noted on the final plat, or an engineer's exhibit recorded with the final plat, and the final plat shall state that the property owner is responsible for maintaining their lot in perpetual compliance with said minimum floor elevations (MFE).
- B. When a portion of a proposed lot lies less than one foot above the base flood elevation, said area shall be designated as an unbuildable Outlot and perpetually tied to the adjoining buildable lot by a record of lot tie agreement that shall be recorded with the final plat.
- C. Minimum opening elevation (MOE) requirements are intended to protect property only from localized storm runoff, detention basins and ponds, or shallow flooding, and shall not be allowed or construed to satisfy or comply with FEMA requirements or city code requirements and intent to protect

persons and property from the dangers and adverse effects of flooding, regardless of whether a LOMR-F has been obtained for a property. MOE requirements shall be construed to apply to an entire lot and all portions of every building unless an exception is expressly noted and approved with whatever conditions and limitations that are deemed appropriate for any such exception, including, but not limited to, a case where MOE protection is necessary for surface water flowage or storm water management that is contained within a public easement on a portion of a lot, and does not affect the entire lot. The developer shall cause minimum opening elevations (MOE) to be noted on the final plat, or an engineer's exhibit attached to the final plat, and the final plat shall state that the property owner is responsible for maintaining their lot in in perpetual compliance with said minimum opening elevations (MOE).

- D. No cut trees, timber, debris, contaminated soil, waste concrete, junk, rubbish, sewage, garbage, or food waste shall be buried, or left deposited on any lot or outlot at the time the public improvements are accepted. Debris and soil deposited on existing public streets during construction shall be removed by the developer before the end of each work day.

6. *Streets.*

- A. The City Engineer shall have the sole authority to establish the municipal functional classification of a street as a major arterial, minor arterial, collector or local street for the purposes of this Code. The municipal functional classification may deviate from the federal functional classification for the same street.
- B. *Connectivity and general design.* Public streets in all subdivisions shall be designed and configured to provide connectivity between adjoining properties and subdivisions to facilitate access and circulation within neighborhoods; to be in conformance with the Comprehensive Plan and Complete Streets Policy; and to thereby minimize and reduce traffic congestion, improve the efficiency of providing municipal services and enhance public health, safety and welfare together with protecting and increasing property values. Subdivisions of large parcels shall be designed and phased accordingly, to establish such connectivity at the earliest reasonable date.
- C. *Right-of-Way.* All new street rights-of-way shall be conveyed by warranty deed and without any conditions or limitations, in accordance with the following:
 - (1) Major arterial street rights-of-way shall be designed to have a total minimum right-of-way width of 120 feet, or wider if so required by the City Engineer or City Council, and subdivisions on each side of the centerlines thereof shall dedicate one-half of such width;

- (2) Minor arterial street rights-of-way shall be designed to have a total minimum right-of-way width of 100 feet, or wider if so required by the City Engineer or City Council;
- (3) Collector street rights-of-way for residential subdivisions shall be designed to have a total minimum right-of-way width of 70 feet, and collector street rights-of-way for nonresidential subdivisions shall be designed to have a total minimum right-of-way width of 80 feet, or wider if so required by the City Engineer or City Council.
- (4) Local street rights-of-way for residential subdivisions shall be designed to have a total minimum right-of-way width of 60 feet, and local street rights-of-way for nonresidential subdivisions shall be designed to have a total minimum right-of-way width of 70 feet, or wider if so required by the City Engineer or City Council.
- (5) Additional street rights-of-way widths may be required to be dedicated at the intersections of streets and access points, in order to accommodate turn lanes and sidewalks within the rights-of-way.
- (6) Additional street rights-of-way widths may be required to accommodate alternative of forms of transportation, including but not limited to pedestrians and bicycles, in accordance with the City of Norwalk's Complete Streets Policy.
- (7) The foregoing street rights-of-way widths may be amended if previously approved by the City of Norwalk on a Master Plan or Planned Unit Development (PUD) plan.

D. *Costs; responsibilities.* Developers shall be fully responsible for the following costs related to street improvements, all of which shall be designed and constructed in accordance with SUDAS:

- (1) The entire cost of providing and installing all collector and local streets within a subdivision.
- (2) A portion of the cost of improving any existing, unimproved granular street that abuts the proposed subdivision. The developer's cost share shall be based on a traffic study to determine the percentage of traffic that the subdivision is expected to contribute in the future in comparison of the total traffic anticipated on the street. Project costs to be shared shall include P.C.C. pavement, subbase, storm sewers, grading, and engineering and shall be based on an opinion of probable construction cost prepared by the City Engineer for design and reconstruction of the existing street to meet city standards.
- (3) The entire cost for providing and installing turn lanes, street widening, traffic signals and similar traffic and transportation improvements

based on a Traffic Impact Study if required for the subdivision in accordance with Section 176.08, subsection 6(T).

- E. *Continuation of existing and planned streets.* Subdivisions shall be designed to provide for the continuation of existing and planned public streets, and those in valid preliminary plats, in whatever manner is deemed appropriate by the City Engineer. Streets shall be designed and configured to conveniently channel local traffic onto collector and arterial streets and to discourage through traffic, being that which does not have an origin or destination within the subdivision or nearby area, from utilizing collector or local streets as a means of traveling from arterial street to arterial street.
- F. *Intersections.* Street intersections shall be in conformance with SUDAS and shall be at right angles wherever possible and not less than a 70-degree angle or shall be in conformance with SUDAS requirements if said requirements are more restrictive. The minimum offset between street intersections shall be in conformance with SUDAS on local and collector streets shall be 300 feet, and the minimum on an arterial street shall be 1,200 feet. *Improvement and dedication.* Streets shall be so located and designed as to be improved and dedicated to the full rights-of-way and roadway widths as required by this Code. No street shall be designed or accepted for half-width paving or right-of-way dedication unless recommended by the Director and the City Engineer.
- G. *Limited access to arterial streets.*
- (1) Streets and other vehicular accesses shall be designed to intersect or otherwise connect to arterial streets at points measuring not less than a nominal minimum distance of 600 feet between full movement accesses and of 300 feet between any access and right-turn only or other limited-movement accesses to said arterial street; provided that access shall be in conformance with SUDAS requirements if they are more restrictive.
 - (2) Single-family lots in plats of subdivision shall not be allowed to have vehicular access to an arterial street, except where no other streets are reasonably available to provide access and subject to the locations of any such accesses being shown on the plat and approved by the City Council. Such access restriction shall be noted on the final plat.
 - (3) Sunset Drive (IA 28) is a controlled access street to which access is allowed only by approval of City Council and by in accordance with joint permit as approved by the Iowa Department of Transportation (herein "IDOT").
- H. *Turn lanes and traffic-control devices.*
- (1) Right and left turn lanes shall be provided at all points that provide or are intended to provide access to an arterial street from existing or

proposed nonresidential or multi-family residential development, unless such requirement is waived by the City Engineer. The City Engineer may require right and left turn lanes to be provided for access to a collector street based on the design of the subdivision or neighborhood and expected traffic volumes.

- (2) The City Engineer may require traffic signalization or other traffic control devices to be included in the subdivision improvements for any plat of subdivision if zoned or planned for nonresidential or multi-family development.

I. *Shared access and alignment.* Streets and other vehicular accesses shall be designed to align with existing or proposed, approved streets and other vehicular access points on the opposing frontage of arterial and collector streets. Cross-access easements shall be provided, in whatever configuration, dimension, and manner that the City Engineer deems necessary and appropriate, to allow and facilitate the sharing of access to public streets by multiple properties, whether the properties are within or outside of the subdivision boundaries, in order to reduce traffic conflicts and congestion, and improve safety.

J. *Cul-de-sacs and Temporary Turnarounds.*

- (1) Cul-de-sacs shall not exceed a length of 600 feet as measured from the centerline of the intersecting street to the center of the turnaround, and shall not serve more than 30 dwelling units, unless a longer length or larger numbers of units is approved by the City Council in accordance with Section 176.14 of this chapter.
- (2) Land uses generating a maximum of 300 average daily trips (“ADT”) or a maximum of 30 single-family detached dwelling units will be permitted access to a cul-de-sac street without a second means of access. Traffic generation will be based upon trip generation in accordance with the Institute of Traffic Engineers. Land uses exceeding said maximums shall have secondary access unless otherwise approved by City Council in accordance with Section 176.14 of this chapter.
- (3) A permanent turn around shall be provided at the end of each cul-de-sac in accordance with SUDAS, except that the cul-de-sac radii in a residential subdivision shall be a 45 feet as measured at the back of curb of the roadway and 59 as measured at the street right-of-way; and except that the cul-de-sac radii in a non-residential subdivision shall be a 45 feet as measured at the back of curb of the roadway and 59 feet as measured at the street right-of-way. Permanent dead-end street other than cul-de-sacs are prohibited, and no lots shall take their access from a dead-end street other than a cul-de-sac, permanent or temporary,

unless waived by City Engineer or if driveway access is restricted. Hammerheads shall not be considered an acceptable alternative to a cul-de-sac.

- (4) Temporary Cul-de-sacs. Streets that are temporary dead-end streets shall be provided with a turnaround having a cul-de-sac with radii no less than 40 feet and of a design that is satisfactory to the City Engineer. A gravel turnaround shall be considered acceptable if the temporary dead-end street is part of a larger subdivision by the same developer, provided the street is extended within two years and provided the developer maintains the gravel turnaround in a manner that is acceptable to the City Engineer until such time as the street is extended. Hammerheads shall not be considered an acceptable alternative to a cul-de-sac unless specifically approved by City Engineer for short-term applications only.
 - (5) "Eyebrow" cul-de-sacs. A cul-de-sac bulb used at an "L-shaped" intersection in the street shall be discouraged, and only permitted to improve access to lots at the "eyebrow" cul-de-sac intersection due to the unique topography of the area, unusual configuration of land ownership, or existing adjoining developed land will not allow access from a through street or traditional cul-de-sac, or the existence of public land or environmentally sensitive land that is planned to be left undisturbed. The "eyebrow cul-de-sac" at an intersection shall be designed with dimensions, radii and curve standards as used for cul-de-sacs with the center of the cul-de-sac bulb located at the intersection of the street centerlines and shall have a minimum radius of 50 feet as measured at the back of curb of the roadway and 65 feet as measured at the street right-of-way.
- K. *Secondary access required.* Land uses generating a more than 300 average daily trips or more than 30 single-family detached dwelling units shall have a secondary means of access to the lots, unless otherwise approved on a valid preliminary plat. Traffic generation will be based on actual traffic counts or upon trip generation in accordance with the Institute of Traffic Engineers.
 - L. *Pavement width.* The width of the street or roadway shall be in accordance with SUDAS, based on the functional classification of the roadway, unless otherwise determined by the City Engineer or unless otherwise amended if previously approved by the City of Norwalk on a Master Plan or Planned Unit Development (PUD) plan.
 - M. *Pavement and Subbase Material.* All proposed public streets shall be paved with Portland cement concrete (PCC) and shall have an integral 6-inch curb and gutter, unless an alternative paving material or design is approved by the City Council in accordance with Section 176.14 of this chapter. The developer's engineer shall complete a pavement thickness design per SUDAS

to determine required thickness of materials, subbase requirement if any, and other design parameters based on a 50-year life span; provided the minimum pavement thickness for local residential streets shall be 7 inches. Pavement thickness design shall be based on the municipal functional classification of an equivalent street as determined by the City Engineer.

- N. *Extension to Plat Boundary.* All public streets shall be extended to the plat boundary unless otherwise specifically approved by City Council upon recommendation by the Community Development Director. In such unique cases, the responsibility for future extension of the public street may be addressed through a Development Agreement approved by City Council.
- O. *Private Streets.* Unless otherwise approved by City Council, private streets serving commercial uses shall be a minimum of 24 feet wide unless the City Engineer determines greater width is necessary due to expected traffic volume or truck traffic. Private streets serving residential uses shall be in conformance with Zoning Code. Pavement thickness shall be per SUDAS, based on the functional classification of an equivalent street as determined by the City Engineer. All public utilities shall be located outside the pavement unless otherwise approved by the City Engineer and the easement for said public utilities specifies the City shall not be responsible for removal and/or replacement of the street pavement should utility repair, replacement, upsizing, or similar work be deemed necessary by the city.
- P. *Street Names.* All newly platted streets shall be named and in a manner conforming to the City's street naming system. A proposed street that is in alignment with other existing streets shall bear the same name. Names of new streets shall be subject to the approval of the Council.
- Q. *Half Streets.* Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the property to be subdivided, the other half shall be platted if deemed necessary by the Council.
- R. *Alleys.* Alleys may be permitted in commercial areas provided the alley is privately owned and maintained. Alleys may be permitted in residential areas to provide access to the rear of the lots where said lot also has frontage on a public street. Alleys serving multiple properties shall be maintained by a property owner(s) or property owners association. Dead-end alleys shall be provided with a means of turning around at the end of the alley. Public utilities shall not be located within an alley.
- S. *Driveways.* Driveways for single-family residential uses shall not be permitted to access arterial streets or, to the extent possible, collector streets. Such access restrictions shall be noted on the final plat.

- T. *Traffic Impact Study.* A Traffic Impact Study shall be required when a proposed subdivision will generate 100 or more added (new) trips during the adjacent roadway's peak hour or at the development's peak hour. The developer will be responsible for completing an application for traffic analysis including the preliminary plat or detailed concept plan; building locations, types, quantity, and land use; all proposed access locations; and peak hour trips in accordance with Institute of Traffic Engineers (ITE) standards. The Traffic Impact Study will be completed by the City Engineer or an independent consulting engineer designated by the City. The developer will be responsible for the entire cost of said Traffic Impact Study, with these costs paid in full prior to any work being commenced on the study in accordance with Section 176.13. Alternatively, if requested by the developer, the City Engineer, at his/her sole discretion, may allow a previously conducted, relevant Traffic Impact Study to be submitted for review to determine if a new Traffic Impact Study is needed. The City Engineer has the authority to waive the requirement for a Traffic Impact Study if deemed appropriate.

7. *Water Mains.*

- A. Water mains shall be a minimum of eight inches in diameter, or larger if increased size is determined to be necessary to provide domestic and fire flows as determined to be satisfactory and necessary by the City Engineer. Developers shall be fully responsible for the costs of all mains that are 8 inches or less in diameter, however developers shall not be responsible for the cost of upsizing the water main to a larger pipe unless the larger pipe is needed to serve the developer's subdivision. The cost of the water main shall include the pipe and bedding, together with all hydrants, valves and other appurtenances thereto, and as may be otherwise required to be in full accordance with the requirements of SUDAS and applicable city codes.
- B. Water service lines shall be extended to each lot. The minimum size for a water service line serving a single-family dwelling shall be one (1) inch and shall terminate at a curb stop located one foot inside the right-of-way line. Duplexes, bi-attached residences, townhomes, and condominiums shall have a separate water service line to each dwelling unit. No lot shall have more than one service line, whether or not in actual use, unless expressly approved by the City Engineer.
- C. Fire hydrants shall be provided in the number and locations required by the City Engineer, in consultation with the Fire Department, and shall be supplied with appropriate connections as may be specified by the Fire Department. Fire hydrant coverage shall be in conformance with city fire code or SUDAS, whichever is more restrictive. The Community Development Director may approve adjustment to building setback lines on the preliminary and final plats to ensure adequate hydrant coverage is provided to the buildable areas of the lots.

- D. *Extension to boundary.* Water mains and appurtenances thereto shall be extended to the boundary of the plat of subdivision where necessary to accommodate future extensions as determined by the City Engineer.
- E. For subdivisions that cannot reasonably be served by a public water system, a private water system shall be installed to meet city standards, including provision of fire flows and construction observation, and an agreement shall be executed and recorded providing for conveyance of the water system to the city without cost upon annexation. All such private facilities shall be restricted to personal household and agricultural uses, and shall be subject to approval by Warren County Board of Health or to certification by an independent professional engineer and qualified testing laboratory if not subject to county regulation or if the county lacks the ability to perform the necessary testing and approval of the facility's design and construction.

8. ***Sanitary Sewers.***

- A. Sanitary sewers shall be a minimum of eight inches in diameter, or larger if increased size is determined to be necessary to serve the entire service area as determined by the City Engineer. Developers shall be fully responsible for the costs of all sanitary sewers that are 8 inches or less in diameter, however developers shall not be responsible for the cost of upsizing the sanitary sewer to a larger pipe unless the larger pipe is needed to serve the developer's subdivision. The cost of the sanitary sewer shall include the pipe and bedding, together with all structures and other appurtenances thereto, and as may be otherwise required to be in full accordance with the requirements of SUDAS and applicable city codes.
- B. Sanitary sewer service lines shall be extended to each lot. The minimum size for a sanitary sewer service line serving a single-family dwelling shall be four (4) inches and shall terminate ten (10) feet inside the lot. Duplexes, bi-attached, and townhomes shall have a separate sanitary sewer service line to each dwelling unit. No lot shall have more than one service line, whether or not in actual use, unless expressly approved by the City Engineer.
- C. *Extension to boundary.* Sanitary sewers and appurtenances thereto shall be extended to the boundary of the plat of subdivision where necessary to accommodate future extensions as determined by the City Engineer.
- D. For subdivisions that cannot reasonably be served by a public sanitary sewer system, dry sanitary sewers shall be installed to meet city standards, and an agreement shall be executed and recorded providing for conveyance of the sanitary sewer system to the city without cost upon annexation. All such private facilities shall be restricted to personal household and agricultural uses, and shall be subject to approval by Warren County Board of Health or to certification by an independent professional engineer and qualified testing laboratory if not subject to county regulation or if the county lacks the ability

to perform the necessary testing and approval of the facility's design and construction.

9. *Storm Sewers and Drainage.*

- A. Storm Water Management Plan. A storm water management plan, prepared and certified by the developer's engineer, shall be provided for review and approval by the City Engineer.
- B. Developers shall be fully responsible for the cost of all storm sewers, structures, and appurtenances thereto, drainage ways and other surface water flows, and storm water detention facilities; all of which shall be designed and constructed in accordance with SUDAS and applicable city codes. Sump pump collector lines conveying no surface drainage shall be 8 inches minimum in size.
- C. Subdrains shall be provided in the following locations:
 - (1) In all areas recommended for subdrain installation in the geotechnical report;
 - (2) In all areas with 18-inches or more of cut measured from top of natural grade to bottom of pavement, 6-inch longitudinal subdrain is required on both sides of the pavement;
 - (3) In all areas where longitudinal slope of the proposed roadway meets or exceeds 4.0 percent, 6 -inch longitudinal subdrain is required on both sides of the pavement; and
 - (4) Upon review of the overall grading plan and geotechnical report, longitudinal subdrain may be required by the City Engineer in additional areas where, in the City Engineer's opinion, the topography is such that there is a need for additional subddrain in a specific area or side of the pavement.
- D. In areas where the longitudinal slope of the proposed roadway meets or exceeds 6.0 percent, flowable mortar cutoff walls with subdrain per SUDAS Figure 7040.105 are required located at a spacing not to exceed 150 feet. Lateral subdrains will be continues longitudinally along pavement to the nearest intake or approved free outlet.
- E. All lots that are zoned or planned for single-family residential development shall be provided with a storm sewer service line that is capable of collecting and conveying footing drain discharges to an appropriate outlet. Open discharge of footing drains shall not be permitted except, if approved by the City Engineer, if an acceptable drainage way with overland flowage easement is available on the same lot.

- F. *Provisions for large storm events.* Provisions shall be made and maintained for surface passage of runoff from storms that exceed the design capacity of the storm sewer system, without causing flooding or damage to public streets or nearby properties. Surface water flowage easements shall be provided over any and all such areas of flow that convey any off-site runoff through a lot, of sufficient dimensions to cover the runoff resulting from a storm having a 1% chance of occurrence in any single year, as defined by SUDAS.
- G. *Detention.* Storm water detention shall be calculated and provided in accordance with SUDAS.
- (1) Whenever possible, storm water detention shall be accommodated in regional basins serving multiple parcels of land rather than individual lots; and shall be constructed as a subdivision improvement whenever possible rather than being deferred as a future site improvement.
 - (2) Storm water detention basins and/or ponds shall be privately owned and maintained unless otherwise specifically approved by City Council on a valid preliminary plat.
 - (3) Storm water detention shall not be located within a Federal Emergency Management Agency (FEMA) designated 1% floodplain. Storm detention shall not be located within minimum required buffer yards or landscape setbacks unless the detention is located within a subsurface structure of sufficient depth below the surface to allow required landscaping to be planted and maintained over such buried detention.
 - (4) Low flows shall be piped through detention basins whenever possible, and a paved trickle channel shall be provided to convey the low flows if piping is not practical, to facilitate maintenance of the basin unless the basin is expressly designed to facilitate the absorption or infiltration of runoff storm detention.
 - (5) The high water level, based on a 100-year storm event, shall be noted on the preliminary plat and construction drawings. Easement area shall be based on one foot of freeboard above said high water level. Wet-bottom detention ponds shall have a 10 feet wide easement area around the perimeter of the pond to allow full access for maintenance and repair purposes. All easements shall connect to the public right-of-way.
 - (6) Staged outlet control of detention basins shall be required to insure discharge is restricted during both 5-year and 100-year rainfall events.
 - (7) In certain unique circumstances, the city may agree to take ownership of a detention facility or pond. In such cases, the developer shall sign an Agreement to Complete that obligates the developer to certify the grading of said facility or pond is complete at the time the subdivision

is 80% developed, with the timing of said certification to be as determined by the City Engineer. This Agreement shall specifically require the developer to remove accumulated silt and sediment may be necessary to demonstrate the as-built conditions correspond to the approved design in accordance with the Post-Construction Storm Water Management regulations specified in Chapter 166 of the municipal code of the City of Norwalk.

- H. *Lot drainage.* Drainage swales shall be developed as necessary to ensure positive drainage away from each lot; such required drainage swales shall be preserved by an overland flowage easement. Vegetated areas shall have a 2% minimum slope to maintain positive drainage throughout each lot and the subdivision as a whole. Subsurface drainage shall be provided in such locations and manner as may be required by the City Engineer, which may include but is not limited to the rear lot lines of any or all lots.
 - I. *Erosion control.* Erosion control improvements shall be installed in and along all surface drainage channels to reduce flow velocities and protect channel bottoms and banks from scouring and cutting, and at storm sewer outfalls and discharge points, in whatever matter and extent that the City Engineer finds necessary to prevent channel and sheet erosion to a reasonable extent. Such improvements may include, but are not limited to, drop structures, stilling basins, check dams, placement of rip-rap and weirs.
 - J. *Off-site discharge.* If it is necessary to discharge a concentration of surface runoff onto an adjoining property, provisions shall be made to dissipate the erosive energy from said concentration of runoff and to maintain the general drainage pattern as it existed prior to construction of the subdivision improvements. It shall be the developer's responsibility to acquire permanent easements from the adjoining property owner.
 - K. *Extension to boundary.* Storm sewers and appurtenances thereto shall be extended to the boundary of the plat of subdivision where necessary for collecting and/or discharging runoff as determined by the City Engineer.
10. **Franchise Utilities.** All public utility lines and appurtenances thereto; including, but not limited to, electrical, gas, and telecommunication lines; shall be buried underground within public utility easements provided for said public utilities in accordance with city code. The developer shall be responsible for making the necessary arrangements with each of the serving utilities to comply with this requirement, including payment of any construction or installation charges or fees by any utility company.
11. **Sidewalks.** Public sidewalks with a minimum width of five feet are required along the frontages of all public streets and along not less than one side of all common private access drives, unless alternative routing such as a rear lot walkway or open space trail system is approved by the City Council on a valid preliminary plat. The

developer shall be responsible for constructing two ADA-compliant ramps and the common square at each corner of all intersections, unless otherwise specifically approved on the preliminary plat. The developer shall be responsible for constructing all sidewalks within the subdivision that do not front on a buildable lot as a plat improvement. In certain unique cases, upon recommendation of the Community Development Director, sidewalk construction may be deferred by City Council provided a sidewalk deferral agreement is recorded requiring the property owner to pave the sidewalk or to allow the city to pave the sidewalk and assess 100 percent of the cost of the sidewalk to the property.

12. *Recreational Trails and Shared Use Paths.*

- A. In accordance with the Comprehensive Plan and the Parks and Open Space Plan, recreational trails and shared use paths shall be paved to a minimum width of eight feet (8') when located within a park or open space corridor, or a width of ten feet (10') when located within or in proximity to a street right-of-way, and shall be constructed of PCC unless an alternative material is approved by the City Engineer. Base preparation and all other construction specifications shall be fully compliant with SUDAS.
- B. Costs; responsibilities. When shared use paths are constructed by the developer as a subdivision improvement, the developer shall be responsible for all construction costs. If the city agrees to allow the construction of the shared use path to be deferred until a building permit is issued for specific lot(s), the requirement for the property owner of said lots to pave the shared use path shall be noted on the final plat, including specifications for the type, width, and thickness of pavement.

13. ***Cluster Mailboxes.*** All lots in all subdivisions shall be served by a cluster box unit ("CBU"); private mailboxes serving individual lots shall not be permitted in new subdivisions. The developer shall be responsible for paving an ADA compliant Portland Cement Concrete pad and the accessory four (4) feet wide sidewalk that connects to the public sidewalk system. The developer shall be responsible for making the necessary arrangements with the United States Postal Service, including but not limited to obtaining approval from the Postmaster of the CBU locations prior to submitting construction drawings for subdivision improvements and for the cost of providing and installing each CBU in the subdivision.
14. ***Streetlights.*** The developer shall cause plans and specifications to be prepared for street lighting on all new public streets within the subdivision, for approval by the City Engineer and MidAmerican Energy or its successor in interest. Upon approval of said plans and specifications, the developer shall cause the lights to be installed in accordance with said plans and specifications, as part of the required subdivision improvements along all streets in the subdivision, all in accordance with SUDAS and the Manual on Uniform Traffic Control Devices (MUTCD). Wooden poles and overhead wiring shall be prohibited.

15. ***Street and traffic control signs.*** Street name signs, traffic-control signs, and pavement markings are the responsibility of the developer as subdivision improvements and shall be designed and shown on all construction documents. Street name signs shall be at all new intersections within and bordering the subdivision, and traffic control signs and pavement markings including parking prohibitions and restrictions shall be installed and provided along all streets in the subdivision, all in accordance with SUDAS and the Uniform on Uniform Traffic Control Devices (MUTCD). The developer shall install all pavement markings prior to acceptance of the public improvements. Street name signs and traffic control signs shall be installed by the City and reimbursed by the developer.
16. ***Easements.*** Easements shall be provided for all subdivision improvements that serve or benefit more than one property owner, to enable access to, use of, service from or by, operation, maintenance and any and all other benefits that may be obtained from or provided by such improvements. Subdivision improvements for which easements shall be provided include but are not limited to those improvements that are to be dedicated to the city, other governmental entity or an owners' association. Easements for improvements being dedicated to the city shall be dedicated by legal instrument on the city's standard form for such easements, in addition to being drawn on the final plat that is made of record. The developer shall make no changes to the requirements and responsibilities defined in the city's forms.
- A. ***Buffer Easement.*** Easements for buffer areas required by Zoning Code and/or as shown on previously approved documents. Buffer easements shall clarify the homeowners' association or property owners' association shall be responsible for perpetual maintenance and replacement of plant materials and all other elements of the buffer.
- B. ***Conservation.*** Easements as may be required in accordance with the Comprehensive Plan to retain land or water areas predominantly in their natural, scenic, open, wooded, and/or topographic conditions; or retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing slopes and land use.
- C. ***Monument sign.*** Easements for monument signs used to designate or identify a subdivision, residential neighborhood, group of businesses or business park shall be of sufficient size to include the monument sign, lighting for said sign, and associated landscaping but shall be designed to exclude any required vision triangles at intersections or access locations. Monument signs shall not be permitted to have changeable lettering and this limitation shall be noted in the easement document and shall be enforceable whether or not so noted. Such easements shall stipulate that the monument sign, along with lighting and landscaping are private improvements and shall be perpetually repaired and maintained by the property owner(s) and not the city.
- D. ***Municipal utilities.*** Easements for sanitary sewers, storm sewers, and water mains shall have a width that is not less than twice the depth of the pipe as

measured between the finished ground surface and flow line of the sewer or main, or 30 feet, whichever is greater. Easements shall be centered over the sewer or main, unless an alternative alignment is stipulated by the City Engineer. Easements for municipal utilities shall not be overlapped by easements for public or private utilities, including, but not limited to, electricity, natural gas and telecommunications, unless allowed by the City Engineer. Easements shall be designed and located such that the city shall have reasonable access to the easement area across abutting properties as approved by the City Engineer. In the case where municipal utilities are located beneath the pavement of a private street or alley, the easement for said public utilities shall specifically state that the City shall not be responsible for removal and/or replacement of the street pavement should utility repair, replacement, upsizing, or similar work be deemed necessary by the city.

- E. *Noise and Avigation.* Easements may be required by the City Council to protect the airborne operations of the Des Moines International Airport within the approach zones of the Airport as set forth in the Zoning Code and other city codes as determined necessary to mitigate the impact of noise associated with operations of the Airport.
- F. *Public utilities.* Easements for the mutual and nonexclusive use of all public and private utilities, including, but not limited to, electricity, natural gas, and telecommunications, shall be provided to serve all lots and condominium units, and as necessary to energize street light lights, unless an acceptable alternative is submitted to and approved by the City Engineer prior to the filing of a final plat. Such easements shall be a minimum of ten feet in width when located along front or rear lot lines, and a minimum of five feet in width when located along side lot lines, and shall not overlay or overlap any easement for public infrastructure, surface drainage or storm water management except with the express approval of the City Engineer.
- G. *Recreational trails or Shared Use Paths.* Easements for pedestrian walkways, bicycle trails, shared use paths, and recreational trails shall be 30 feet or more in width unless the paved portion of the walkway or trail is located within or in close proximity to a public street right-of-way, in which case the City Engineer may allow the easement width to be reduced. Said easements shall be a minimum of ten feet (10') away from any building, other structure or parking lot on the site with such setbacks established on the applicant's final plat of the affected property or properties. The city shall restore any land disturbed by maintenance or reconstruction, provided however, the owner of the property shall be responsible for all trimming, planting and maintenance of vegetation including the responsibility to keep the recreational trail or shared use path unobstructed, and passage unimpeded by vegetation.
- H. *Shared access or Ingress/Egress.* Easements shall be provided in accordance with whatever location, size, configuration and dimensions the City Engineer may stipulate in order to achieve and implement the requirements and intent

of this code. Such easements shall stipulate that the private street, driveway, roadway, or access shall be perpetually repaired and maintained by the property owner and not the city.

- I. *Storm water detention.* Easement and Maintenance Agreements for storm water detention shall clearly define that the property owner(s) of lot or outlot; or Owner's Association if applicable; on which the easement is located shall have perpetual responsibility for the repair and maintenance of all facilities associated with the detention basin or pond; including storm sewer pipes and structures unless the city has agreed to accept ownership of said pipes and structures in which case said pipes and structures shall be located in a separate storm sewer easement. In cases where the responsible party(s) fail to perform necessary maintenance as required by the city, the storm water detention easement shall allow the city to make any necessary repairs or maintenance and assess the responsible party(s) for such work. Where a detention basin is maintained by multiple lots or parcels, said assessment shall be prorated to all responsible property owners by the City Engineer based on the area and use of each the lot or parcels, whether or not the shared maintenance responsibilities are under the control of an owners' association, unless otherwise stipulated in the easement document. The Maintenance Agreement shall require annual reporting to the city to ensure compliance with the agreement and shall be in conformance with Chapter 166 of municipal code of the City of Norwalk. Covenants shall not be considered an acceptable alternative to an easement.
 - J. *Surface water flowage.* Easements for surface water flowage shall also include storm sewers, subdrains, and appurtenances thereto as a permitted purpose and use, in the event that storm sewers may be necessary at some future date. Surface water flowage easement shall require the property owner to maintain all embankments and make repairs related to erosion and shall grant the city the right, but not the obligation, to remove drainage obstructions.
 - K. *Wastewater treatment facility buffer.* A buffer easement and agreement shall be provided for all areas located with 1,000 feet of the city's wastewater treatment facility or planned future facilities. Such easement and agreement shall include a waiver of separation distance for each lot located wholly or partially within said 1,000 feet buffer area. Such easement and agreement shall be recorded in such a manner that it will appear on the title opinion of each lot located wholly or partially within said 1,000 feet buffer area.
 - L. Other easements as may be deemed necessary by the City of Norwalk to sustain the development and/or public facilities.
17. ***Benchmarks and Datum Plane.*** The developer shall cause all subdivision and lot corners, points of curvature, et al., to be installed in accordance with the Code of Iowa. The developer shall cause a minimum of one permanent benchmark to be set, certified, and made of record by a land surveyor who is licensed in the state as part of

the subdivision improvements for a plat of subdivision, unless the City Engineer determines that sufficient benchmarks exist within the general vicinity.

- A. All survey, plats, construction drawings, GIS, and CAD files shall use survey feet based on the Iowa Regional Coordinate System, Zone 8 Ames-Des Moines.
- B. All survey elevations and construction drawings shall be based on benchmarks established on the North American Vertical Datum of 1988 (NAVD 1988).

176.09 CONSTRUCTION OF IMPROVEMENTS.

1. All construction shall be in accordance with SUDAS, as defined herein, and applicable state and city codes.
2. ***Pre-construction Conference and Permits.*** A pre-construction conference shall be scheduled by the City Engineer and attended by the developer's engineer, contractors and subcontractors, and others as deemed appropriate. The developer is encouraged to attend said conference. The developer's engineer shall provide a copy of all approved permits to the City Engineer prior to the pre-construction conference being scheduled, unless otherwise approved by the City Engineer, provided however that construction shall not commence until the appropriate permits have been approved by the applicable federal, state, or local agency.
3. ***Construction Observation.*** Construction observation is deemed necessary to assure quality workmanship on all portions of the construction of plat improvements. Construction observation services shall be provided by the City Engineer or the City's authorized representative. The developer shall be responsible for all costs associated with construction observation and testing services. The results from all tests required by SUDAS shall be bound into a Construction Observation Record and provided to the City Engineer for review. Moisture and density test locations shall be indicated on a map for reference and to confirm sufficiency of the number and location of such tests; all included in the Construction Observation Record. All storm sewers and sanitary sewers shall be televised and the City Engineer or authorized representative shall review the video of such televising and make a written report recommending any repairs to be made to said sewers prior to city acceptance of the project; said report to be included in the Construction Observation Report along with a digital copy of all televising, and re-televising if necessary. Once all construction has been completed, including necessary repairs and punch list work generated from a walk-through of the completed subdivision improvements, the professional engineer shall certify that construction of the public improvements has been completed in substantial conformance with the approved construction drawings and specifications and in accordance with SUDAS.
4. ***Materials Submittals and Shop Drawings.*** The developer's engineer shall review all materials submittals and shop drawings provided by the contractor and require revisions as necessary to ensure compliance with SUDAS and project specifications.

A copy of all materials submittals and shop drawings, stamped as accepted by the developer's engineer, shall be provided to the City Engineer.

5. *Performance Surety.*

- A. All subdivision improvements shall be completed to the full satisfaction of the City Engineer before a final plat may be released for recording, unless the developer posts a performance surety ("surety") with the city to guarantee that the uncompleted subdivision improvements will be satisfactorily completed within not more than one calendar year after the date of the City Council's approval of the final plat. The posting of surety shall not be deemed to constitute or ensure the city's acceptance of any improvements, either upon posting of the surety or at any future date; approve the issuance of building permits, or of certificates of zoning compliance or occupancy; or approve the expenditure of city funds within any part of the subdivision.
- B. The surety shall be provided in the form of a performance or subdivision bond, letter of credit, cash escrow held in city trust account or other collateral that is acceptable to City Attorney and approved by the City Council, and shall be of an amount that the City Engineer determines to be necessary and sufficient to cover all of the city's costs for constructing the uncompleted subdivision improvements, including inspections and tests that customarily would be conducted by the city, at some future date.
- C. The surety shall remain in full force and effect until the subdivision improvements have been completed to the satisfaction of the City Engineer, and have been accepted by the City Council, provided that surety may be called by the city for any subdivision improvements that have not been completed within six years after the date of City Council approval of a final plat without any further finding beyond the factual passing of such date, and further provided that surety that is not called at such time shall not be deemed to have been released or voided. Maintenance bonds for completed work shall be provided in accordance with subsection 5 of this section.
- D. Sidewalk surety. Separate surety shall be provided for public sidewalks. The surety for sidewalks along arterial streets shall be based on 100% of the total cost of installation, including inspection and testing. The surety for sidewalks along arterial streets shall be in the form of cash escrow only. Surety for sidewalks along collector and local street frontages of lots being platted shall be calculated at 15% of the total cost of installation, including inspection and testing. The 15% surety shall remain in place until the value of the uncompleted sidewalks is reduced to the value of the surety. At that point, the value of the surety can be reduced as sidewalks are completed. Sidewalk surety shall not be totally released until all sidewalks in the plat are completed.

6. *Maintenance Bonds.*

- A. The developer shall be responsible for ensuring their contractors warrant the design, material, workmanship, installation and construction of all of the subdivision improvements for a minimum of four years from and after satisfactory completion and City Council acceptance of roadway payment, sanitary sewers, storm sewers and other public improvements that are related to drainage, and park infrastructure, and shall cause the warranty to be ensured by independent bond or by other collateral that is found to be acceptable by City Attorney (herein “bond”). The bond shall specifically ensure the expedient repair or replacement of any and all improvements that the City Engineer finds to be defective following completion and acceptance, and shall indemnify and hold the city harmless from any and all costs or losses resulting from, attributed to or otherwise arising from the defective improvements.
- B. The City Engineer may, at the Engineer’s sole discretion, require any bond to run for a duration of more than four years, and to be posted in a greater amount, in lieu of immediate replacement and reconstruction of any improvement that is not fully compliant.

7. Acceptance of Completed Public Improvements.

- A. Provision of Record Drawings as required by Section 176.11, paragraph 3 of this chapter, including digital ArcView shapefiles of Record Drawings, including coordinates for utility fixtures.
- B. Signed statement by a public land surveyor licensed in the State of Iowa certifying that all property corners have been set and grading has been completed according to the design approved by the City of Norwalk.
- C. Provision of maintenance bonds as required by Section 176.09, paragraph 6 of this chapter for completed public improvements.
- D. Provision of an Agreement to Complete as required by Section 176.08, subparagraph 9(F) of this chapter obligating the developer to certify grading of city-owned detention facilities or pond, if any, at the time the subdivision is considered 80% developed.
- E. Provision of Construction Observation Record as required by Subsection 3 of this section and materials submittals and shop drawings as required by Subsection 4 of this section.
- F. Provision of a Service Locates Table listing the location of the end of the water service stub, sanitary sewer service stub, and storm sewer service stub serving each lot within the subdivision as measured from the nearest lot corner.
- G. Payment in full of all fees associated with the plat of subdivision, including but not limited to fees related to construction observation services and testing.

176.10 NEIGHBORHOOD SKETCH PLAN REQUIREMENTS.

1. The purpose of the Neighborhood Sketch Plan is to show conceptually on a drawing how a proposed plat or subdivision will be compatible with the development of adjoining lands and compliant with the Comprehensive Plan, other approved Neighborhood Sketch Plans or concept plans, Zoning Code, this chapter, and other applicable land use plans, policies, and regulations of the City.
2. The boundary of the overall area to be covered by the Neighborhood Sketch Plan shall be as required by the Community Development Director.
3. Applications shall be made in the number of copies and format as set forth in Section 176.05, paragraph 10 of this chapter.
4. *Contents of the Neighborhood Sketch Plan (“sketch plan”)*
 - A. Name and address of the developer and plan preparer.
 - B. A plan showing the location and boundary of the proposed subdivision and other properties to be included the sketch plan; the name and address of the developer, property owners within sketch plan limits, and property owners abutting the sketch plan boundary, zoning classification (s) of properties within and abutting the sketch plan; existing and proposed land use of properties within and abutting the sketch plan.
 - C. A plan showing existing and proposed buildings, and planned use of all buildings, existing and proposed streets and classification of same, recreational trails, shared use paths, parks, open space, and buffers.
 - D. A grading plan including existing grades, based on LiDAR or USGS, based on a contour interval no greater than ten (10) feet; proposed grades at like interval; general location of floodway, floodway fringe, drainage ways, detention basins, and similar existing and proposed features.
 - E. A utility plan indicating the existing and proposed water mains sanitary sewers of sufficient detail to clarify how each property within the sketch plan will be serves and applicable sanitary sewer service areas.
 - F. The sketch plan shall be drawn and printed at a scale that is not smaller than 1” = 100 feet. Each plan sheet shall include a date of preparation, date of revision(s), north arrow, and scale.

176.11 PLAT OF SUBDIVISION REQUIREMENTS. Applications for approval of a subdivision shall be submitted to the Community Development Director (“Director”) , and shall include all plats, drawings, illustrations, plans, documents and information that the Director determines to be necessary to ensure that the proposed subdivision will comply with this Code and all other applicable codes and regulations, including, but not limited to, the following, in addition to payment of all fees specified by this chapter for

the type of subdivision and any other administrative costs and impact fees that may be legally established by the City Council.

1. *Preliminary Plat*

- A. Preliminary plats shall be submitted for entire subdivisions whenever practical, and at a minimum for multiple final plat phases within boundaries as prescribed by the Director and City Engineer for parcels that are more than 100 acres in area or that have unique characteristics. By this requirement the city intends to ensure that every subdivision will, in its entirety, be optimized in all respects to protect and increase property values and public health, safety and welfare presently and in the future, particularly by optimizing vehicular and pedestrian circulation systems; the extension of infrastructure to establish connectivity at an early date, and facilitate the subdivision and development of other properties; and the locations and improvement of parks and open spaces, to efficiently serve and satisfy the needs of the subdivision and of the public as a whole.
- B. One purpose of a preliminary plat is to determine whether the proposed subdivision appears to comply in preliminary, conceptual form with the requirements of this Code and its design standards. Accordingly, plat maps and drawings for the proposed subdivision are not required to be of construction-quality, but shall be of sufficient accuracy and detail to enable the city and its staff to determine whether the proposed subdivision appears to comply. The city hereby reserves final and binding determinations of compliance to rest with the City Engineer's review and approval of the detailed plans and specifications for the subdivision improvements, and with the City Council's approval of a final plat.
- C. Applications shall be made in the number of copies and format as set forth in Section 176.05, paragraph 10 of this chapter.
- D. *Contents of the Preliminary Plat.* Multiple plan sheets to clearly convey the required information, including, but not limited to:
 - (1) A cover sheet containing the name of subdivision, name and address of the property owner and developer, legal description for the real property that is proposed to be subdivided, professional certifications, vicinity map, zoning classification (s) of the property with boundary lines between districts where applicable, and other project information that may be pertinent to review as determined by the Director.
 - (2) The vicinity map shall be at a legible scale that shows the boundaries of all parcels located within 300 feet of the plat boundary, land use and zoning of all parcels, parcel address for each parcel, property owner names for each parcel along with address if different than parcel address.

- (3) A dimension plan, including lot and outlot dimensions, areas, and building envelopes; intended purpose for each outlot; required easements, setbacks, street rights-of-way and roadway widths; access controls; recreational trails, sidewalks and ramps; buffer locations; designations of parcels and rights-of-way that are proposed to be dedicated to the city, other governmental entity or for common ownership and use by persons as designated by the plat documents that are included in the preliminary plat submittal.
 - (a) Bearing and distance data, with curve data provided in a table, shall be provided for the subdivision boundary and for each planned phase, if phasing is proposed.
 - (b) Pavement thickness and reinforcing materials shall be noted.
 - (c) Access restrictions, such as no private driveways shall be permitted to connect to arterial or collector streets, must be noted on the preliminary plat. The City Engineer may limit single-family lots to no more than one driveway.
- (4) A grading plan, including proposed overland drainage routes, detention basins, aquifer recharge areas, and erosion control measures. Floodway and floodway fringe boundaries, base flood elevations (“BFE”), minimum floor elevations (MFE) as defined and required by the Federal Emergency Management Agency (“FEMA”), together with any areas of localized flooding or wetland. If no FEMA-determined flood hazard areas, areas of localized flooding or wetlands existing within the subdivision plan, the developer’s engineer shall certify on the preliminary plat that no such areas exist. The City Engineer may require minimum opening elevations (MOE) to be defined where lots may be impacted by detention and/or drainage facilities based upon 1’ above the HWL during 100-year storm event.
 - (a) Existing features, including buildings, trees and driplines, buildings, wells, septic system, shall be shown on the grading plan. A demolition plan may be required to clarify intent.
- (5) A utility plan indicating the existing and proposed water mains and fire hydrants, sanitary sewers, and storm sewers; including size of each. The utility plan may be combined with the grading plan if the proposed subdivision is not of such size, complexity or nature as to necessitate separate sheets to appropriately depict such improvements.
- (6) Each plan sheet shall include the boundary of the plat of subdivision in a heavy line and, if phasing is proposed, the boundaries of each phase shall be clearly marked on all sheets.

- (7) The preliminary plat shall be drawn and printed at a scale that is not smaller than 1" = 50 feet. Each plan sheet shall include a date of preparation, date of revision(s), north arrow, and scale.
- (8) The preliminary plat shall be certified by a professional engineer licensed in the State of Iowa.

E. *Accompanying documents.* Accompanying documents and information shall include:

- (1) Payment in full of all fees in accordance with Section 176.13 of this chapter or as subsequently set by resolution of the City Council, together with payment of any other administrative costs and impact fees that may be legally established by City Council.
- (2) A letter, signed by the developer and his engineer, requesting that City Council waive each of the proposed variances from the regulations included in this Code, including but not limited to design standards specified in Section 176.08. Variances indicated on the plans but not formally requested in said letter shall not be deemed as granted.
- (3) A traffic study may be required at the sole discretion of the Director or City Engineer, for such matters and of such scope that may be directed by the City Engineer.
- (4) Soil tests and geotechnical report shall be required, unless waived by the City Engineer, to ascertain whether expansive soils or other conditions exist that may affect the suitability and design of the subdivision and subdivision improvements, which have been certified by a professional engineer licensed in the State of Iowa. The City Engineer shall evaluate the assumptions used in the soil tests and geotechnical reports to ensure the report provides an accurate assessment of the conditions.

2. ***Construction Drawings***

- A. Applications shall be made in the number of copies and format as set forth in Section 176.05, paragraph 10 of this chapter.
- B. The submittal shall include all drawings, plans, profiles, specifications and references to SUDAS, special conditions, and supplemental information for all proposed subdivision improvements and shall be certified by a professional engineer licensed in the State of Iowa.
- C. The submittal shall include a storm water management plan in conformance with SUDAS and shall be certified by a professional engineer licensed in the State of Iowa.

- D. The submittal shall include a public street light layout plan that is designed based on the city's streetlight design standards; including fixture type, mounting height, pole type, and pole height; as appropriate. The street light layout plan can be a separate plan, rather than included in the plan set for the public improvements, provided the public streetlights will be installed by the service provider rather than the developer's contractor.
- E. In cases where a landscape buffer or other plant materials are required in accordance with the Zoning Ordinance or approved Master Plan and/or Preliminary Plat, the construction drawings shall include a planting plan detailing the location, species, and size at planting, and size at maturity of all plant materials. Plant materials shall be installed as a subdivision improvement or their installation guaranteed by a performance surety.
- F. The construction drawings shall be drawn and printed at a horizontal scale that is not smaller than 1" = 50 feet and, where applicable, a vertical scale that is not smaller than 1" = 5 feet. Each plan sheet shall include a date of preparation, date of revision(s), north arrow, and scale.
- G. Payment in full of all fees related to the review of the construction drawings, storm water management plan, and all supplemental information by the City Engineer or his authorized agent in accordance with Section 176.13 of this chapter or as subsequently set by resolution of the City Council.
- H. The submittal shall include a copy of the application forms for all required permits including, but not limited to, permits from Iowa Department of Natural Resources and Iowa Department of Transportation for review and approval by the City Engineer. The developer shall be solely responsible for obtaining approval of all necessary federal, state, and local permits.

3. *Record Drawings.*

- A. As-built record drawings shall be submitted for approval by the City Engineer prior to acceptance of the public improvement by the City Council.
- B. Record drawings require certification by a professional engineer licensed in the State of Iowa.
- C. Certified as-built grading drawings shall be submitted verifying the as-built elevations of critical locations on the site, to include verification of all spot elevations shown on the public improvement construction drawings; including but not limited to the rear corners, the mid-point of the side yard lines, the front lot corners where the storm water flows from the rear yard to the front yard, overflow locations, and along the proposed drainage ways and easements; sanitary sewer manholes; and all storm water management facilities including but not limited to detention areas, intakes, structures, sub-drain cleanouts, and flared end sections; are in compliance with the approved grading plan. Elevations shall be within 0.2 feet of the approved grading

plan. The location of all utility fixtures shall be labeled with survey-grade coordinates.

- D. A certification statement signed by the applicant's engineer and land surveyor indicating that the grading and storm water management facilities were constructed as designed shall also be submitted.

4. *Final Plat.*

- A. Applications shall be made in the number of copies and format as set forth in Section 176.05, paragraph 10 of this chapter. The developer shall be responsible for additional copies for approval as may be required by Warren County for recording purposes.
- B. The final plat application shall at a minimum consist of the following to be considered to be a complete submittal, provided however that the Community Development Director allow minor exceptions that preserve the intent and purpose of the submittal:
 - (1) All parcels of land that are to be dedicated to the city or an owners' association for street or alley rights-of-way, walkways, parks or open space, school property, or other public uses shall be clearly shown and described by bearings and dimensions, and the plat shall include a certified statement by the proprietor that said parcels are intended for and being dedicated by the proprietor for such uses;
 - (2) All parcels of land to be considered building lots shall be clearly shown, labeled with a lot number and lot area, and described by bearings and dimensions;
 - (3) All parcels of land to be set aside for future development or are considered undevelopable shall be clearly shown, labeled with an outlot letter and area, and described by bearings and dimensions;
 - (4) Setback lines shall be shown along the street frontages of all lots and outlots, and any other locations where deemed appropriate by the Director, at locations that are equal to or greater than the minimum setback requirements of the Zoning Code;
 - (5) Easements shall be clearly drawn and labeled, and the centerlines or boundaries thereof shall be described by dimensions and bearings for each segment;
 - (6) Floodway and floodway fringe boundaries, base flood elevations (BFE), minimum floor elevations (MFE), minimum opening elevations (MOE) and other minimum or maximum elevations as may be required by the City Engineer or Community Development Director shall be noted for each lot.

(7) Access and other restrictions imposed by the city shall be noted for each lot.

(8) The final plat shall be certified by a public land surveyor licensed in the State of Iowa. When the final plat or an attached exhibit contains information related to engineering items, said plat or exhibit shall be certified by a professional engineer licensed in the State of Iowa.

C. *Accompanying documents.* Accompanying documents and information shall include the following, all properly executed and notarized as may be appropriate to the document:

(1) An application fee, in the amount in accordance with Section 176.13 of this chapter or as subsequently set by resolution of the City Council, together with payment of any other administrative costs and impact fees that may be enabled by the *Code of Iowa* and legally established by the City Council;

(2) Warranty deeds for all street rights-of-ways and other parcels that are to be dedicated to the city, and quit claim deeds for all existing street rights-of-way that adjoin the subdivision and that are not clearly held by the city in fee simple title, all said deeds to be submitted on a form acceptable to the City Attorney;

(3) Easements documents and other legal documents using the city's standard forms for such purposes if available, to establish easements for shared accesses, public or common private infrastructure including walkways and similar purposes; to create an owners' association or similar entity, if determined to be necessary to own, possess, operate or maintain common private infrastructure; hold-harmless agreements; development agreements; and other purposes as deemed necessary to fully comply with this Code;

(4) Maintenance bonds for all subdivision improvements that have been completed to the full satisfaction of the City Engineer, and surety for any subdivision improvements that are incomplete;

(5) Payment for all fees and charges due to the city for inspection of the subdivision improvements and review of the subdivision improvement plans and specifications; connection fees and other impact fees; assessments for streets and other improvements; reimbursements for water mains; and any other costs and financial obligations have been paid in full;

(6) Documentation showing the developer has arranged and paid for the installation of streetlights, street name and traffic-control signs; and

- (7) All attachments to subdivision plats as required by Chapter 354.11 of the *Code of Iowa* or contents of declaration as required by Chapter 499B.4 of the *Code of Iowa*, development agreements, covenants and declarations establishing an owners' association, and any other attachments, declarations, certifications or other documents that may be required as a matter of the filing of a plat whether by the Code or the city, have been submitted to, and reviewed and approved by, the Department of Community Development.

176.12 PLAT OF SURVEY OR ACQUISITION PLAT REQUIREMENTS

1. Applications shall include payment of all fees in accordance with Section 176.13 of this chapter or as subsequently set by resolution of City Council City Council, together with payment of any other administrative costs and impact fees that may be legally established by City Council.
2. Applications shall be made in the number of copies and format as set forth in Section 176.05, paragraph 10 of this chapter.
3. The plat of survey or acquisition plat shall be an exact duplicate of the plat proposed to be filed for record in the Warren County Recorder's office.
4. The Community Development Director may require any remnant parcels to be platted as part of the plat of survey in order to ensure said remnant parcels shall conform to the Zoning Code and other applicable codes after the parcel is subdivided.
5. ***Contents of the Plat of Survey or Acquisition Plat.*** The plat shall comply with the *Code of Iowa*, specifically Chapter 354, and including, but not limited to:
 - A. A parcel letter or number designation approved by the County Auditor. A lot designation of any street right-of-way to be platted.
 - B. The name(s) and address(s) of the proprietors.
 - C. A heavy line indicating the boundaries of each parcel; addresses for each parcel; a legal description for each parcel including distances, bearings, boundary angles, and curve data in a table; total area of each parcel in acreage and square feet; and front yard setbacks, and rear yard setback.
 - D. Bar graph scale and compass point; current zoning districts.
 - E. Street name, location, right-of-way width, and centerline of all streets within or adjoining the plat.
 - F. Floodway and floodway fringe boundaries, base flood elevations (BFE), and minimum floor elevations (MFE) shall be accurately and clearly plotted on the plat of survey from the best available information, as defined and required by the Federal Emergency Management Agency (FEMA). If no FEMA-

determined flood hazard areas, areas of localized flooding or wetlands exist within the plat, the developer shall so certify on the plat.

- G. Existing and proposed easements in accordance with this chapter.
- H. Access restrictions and other restrictions shall be noted for each parcel.
- I. Certification by a public land survey licensed in the State of Iowa; date of survey, and revision dates

176.13 FEES.

1. ***Application Fee.*** An application fee shall be paid for each development application in an amount that shall be established from time to time by resolution of the City Council. A check, payable to the City of Norwalk, shall be submitted to the Community Development Director at the time of initial submittal of the application.
2. ***Engineering Review Fees.*** The developer shall be responsible for reimbursing the City for the cost of reasonable professional fees for services provided by a consulting engineer designated by the City for their review of preliminary plats, final plats, plats of survey, acquisition plats, auditor's plat, construction drawings, storm water management plans, geotechnical reports, engineering exhibits, legal descriptions, and similar documents prepared by the applicant's engineer and/or surveyor. A check, payable to the City of Norwalk, shall be submitted to the Community Development Director prior to final approval of the development application that was reviewed.
3. ***Traffic Impact Study.*** When a Traffic Impact Study is required, the developer shall be responsible for reimbursing the City for the cost of reasonable professional fees for services provided by a consulting engineer designated by the city, based on a scope of services approved by the City Engineer. A check, payable to the City of Norwalk, shall be submitted to the Community Development Director prior to any work being commenced on said study.
4. ***Construction Observation Fees.*** The developer shall be responsible for reimbursing the City for the cost of reasonable professional fees for services provided by a consulting engineer designated by the City for construction observation of the public improvements as depicted on the construction drawing prepared and certified by the applicant's engineer, review of all testing and results, and making a recommendation to City Council regarding acceptance of the public improvements. A check, payable to the City of Norwalk, shall be submitted to the Community Development Director prior to City Council acceptance of the public improvements for the subdivision.
5. ***City Attorney Review Fees.*** The developer shall be for reimbursing the City for the cost of reasonable professional fees provided by the City Attorney for their preparation or review of various legal documents associated with the Development Application, including but not limited to development agreements, warranty deeds, title opinions, mortgage and lien holder releases, consents to plat, easement documents, performance and maintenance bonds or sureties, and similar documents

prepared by the applicant's attorney. A check, payable to the City of Norwalk, shall be submitted to the Community Development Director prior to final approval of the development application or document that was reviewed.

6. **Recording Fees.** The developer shall be responsible for recording the final plat and all accompanying material including but not limited to easement documents and agreements. The developer shall provide a recorded copy of all documents to the Community Development Director. The developer's failure to record all documents in a timely matter following City Council approval may delay issuance of Building Permits, at the sole discretion of the Director.
7. **Street Signs.** The developer shall be for reimbursing the City for the cost of all street signs installed in the subdivision by the City of Norwalk Public Works Department. A check, payable to the City of Norwalk, shall be submitted to the Community Development Director prior to City Council acceptance of the public improvements.
8. **Non-refundable.** Fees paid to the City in accordance with this section shall not be refunded after the initial submittal has been distributed to various city departments for review or other costs have been incurred by the city. Denial of approval of a development project shall not entitle the applicant to a refund.

176.14 VARIATIONS AND EXCEPTIONS.

1. Whenever the tract proposed to be subdivided is characterized by unique and unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices that are not self-created by the developer, the city council, upon recommendation of the commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so, at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and the spirit of this chapter are preserved.
2. Any such variation or exception shall be limited to the minimum relief that is necessary for a subdivision that creates lots for reasonable development of the real property.
3. The request for such variation or exception shall be provided by the developer in writing and filed with the Community Development Director prior to or concurrently with the filing of a preliminary plat. The request shall be reviewed by the Community Development Director and City Engineer, and a joint recommendation made to the Planning and Zoning Commission as part of the staff report for action on the preliminary plat, or in like manner if filed prior to the preliminary plat.
4. The Commission shall act on the request concurrently with the preliminary plat, or in like manner if filed prior to the preliminary plat, and the Commission and staff recommendations shall be forwarded to the City Council for consideration and action

concurrently with the preliminary plat, or in like manner if filed prior to the preliminary plat.

176.15 VALIDITY AND EXPIRATION.

1. *Validity of Preliminary Plat.*

- A. A preliminary plat that has been approved in accordance with this Code shall remain valid for two calendar years after the date upon which the City Council approved the preliminary plat, and its validity and approval shall thereafter expire unless a final plat has been submitted in accordance with this section expressly, and in accordance with this Code as a whole, or unless a time extension has been approved in the manner provided by this section.
- B. During its time of validity, the developer shall cause construction drawings for subdivision improvements to be prepared and submitted for review and approval by the City Engineer, and a final plat to be filed for one or more phases of the preliminary plat as had been designated on the approved plat, or for the entire preliminary plat.

2. *Expiration of preliminary plat.*

- A. Failure to file a proper and complete final plat submittal with the Community Development Director within two calendar years from the date of approval of the preliminary plat shall render said preliminary plat approval null and void, unless the preliminary plat's validity has been extended in accordance with this section.
- B. A final plat submittal shall not be deemed to be properly filed unless the City Engineer has first approved the construction drawings for subdivision improvements for the real property that is included in the final plat. It shall be the developer's duty to ensure said plans and specifications are filed with the City Engineer sufficiently in advance of the preliminary plat's expiration to enable the plans and specifications to be reviewed, and revised to whatever extent that may be necessary to attain full compliance with all applicable requirements and approval by the City Engineer.
- C. *Time extension for a preliminary plat.*
 - (1) The approval and recording of a final plat for one phase of a valid preliminary plat shall be deemed to automatically extend the validity and approval of the remainder of the preliminary plat for a period of one calendar year beyond the date of the City Council's approval of such final plat. For plats having more than two phases, the validity of the preliminary plat shall be automatically extended one year each time the City Council approves a final plat within the boundary of the approved preliminary plat.

- (2) The City Council may, upon request from the developer and following review and recommendation by the Planning and Zoning Commission, re-approve and thereby grant a time extension for a valid preliminary plat, but only if the preliminary plat and the subdivision improvement plans and specifications are updated to comply with and conform to all codes, regulations, requirements and specifications that have been revised or adopted since the original date of approval of the preliminary plat.

3. *Expiration of final plat.*

- A. Approval of a final plat by resolution of the City Council, the developer shall fully satisfy any and all conditions of such approval and all provisions of this Code, and shall cause the final plat to be properly submitted for filing of record in the offices of the appropriate County Recorder, Auditor and Assessor, within one calendar year of the date of the City Council's resolution; noncompliance shall render the City Council's approval and resolution to be null and void.

176.16 VIOLATIONS AND ENFORCEMENT.

1. Serial or chain land divisions, whereby three or more interests are created from a single parcel of land or other corporal real property through two or more acts of subdividing a parcel, shall not be allowed, and shall be deemed a violation of this Code. Such violation shall be remedied only by the preparation of a Plat of Subdivision covering all of the original, single parcel of land or other corporal real property and complying with all of the requirements of this Code for a proprietor's plat, including, but not limited to, the construction and dedication of public or common infrastructure; dedications of right-of-way; mitigation of impacts by dedications, provision of infrastructure or payment of fees; payment of or otherwise resolving liens, taxes, judgments and other encumbrances upon the title; payment of all customary administrative fees; and full satisfaction of all penalties set forth in this Code and the Code of Iowa.
2. Permits shall not be issued for any development, or building or other structure, on any lot, parcel or other interest that is created by a serial or chain subdivision, or by any other subdivision that is not fully compliant with this Code
3. Permits shall not be issued for any development, building or structure, on any lot, parcel or other real property interest that is part of or is being created by a subdivision, until:
 - A. All subdivision improvements have been satisfactorily completed in accordance with all development agreements and approved plans and specifications, as solely determined by the City Engineer;
 - B. All requirements of this Code, including the provision of surety and maintenance bonds, have been fully satisfied;

- C. All fees and costs have been paid in full for city services provided to the subdivision during its development, including, but not limited to, fees for city inspections and reimbursement for testing or other costs; and
 - D. The subdivision and accompanying documents has been has been properly and satisfactorily filed for record in the offices of the appropriate County Recorder, Auditor and Assessor.
- 4. No certificate of occupancy or of zoning compliance shall be issued unless and until the subdivision has been properly recorded in full compliance with this Code.
 - 5. No plat, declaration or other instrument for any subdivision shall be submitted to the county Recorder, Auditor or Assessor filing for recording, or have any validity, unless and until the Director of the Department of Community Development certifies in writing that the plat, declaration or instrument has been found to be in full compliance with the requirements of this Code. City funds shall not be expended for improvements to or maintenance of any street or other infrastructure that directly serves a subdivision that has is in violation of this Code, or that has not been accepted by the city as public infrastructure.
 - 6. Any subdivision that is filed and recorded in violation of this Code shall be subject to annulment under the provisions of Iowa Code Chapter 354.20.
 - 7. Streets and alleys that are created by a subdivision shall not be open for public access until the plat has been made an official plat, or at any time thereafter unless and until the street has been fully improved in accordance with this Code and said improvements have been accepted by the City Council, for public safety reasons.
 - 8. **Penalty.** Any violation of any of the terms or conditions of this Code, or any failure to comply with any of its requirements, shall constitute a civil infraction or misdemeanor and shall be accordingly subject to fines or imprisonment in accordance with the provisions of the Code of Iowa, in addition to the remedies, restrictions, limitations and enforcement set forth in § 159.16. Each day a violation exists may be considered a new and separate infraction or misdemeanor.