

CHAPTER 54. SUBDIVISIONS

ARTICLE IV. Basic Improvements

Section 54-141. Generally.

- (a) Before a final plat is approved by the city council, the owner and subdivider of the land covered by the plat shall execute and submit to the city council an agreement, which shall be binding on his heirs, personal representatives and assigns, that he will cause no private construction to be made on the plat or file or cause to be filed any application for building permits for such construction until all improvements required under this chapter have been made or arranged for in the manner following as respects the streets to which the lots sought to be constructed have access.
- (b) Prior to the making of such required improvements, the owner or subdivider shall deposit with the city clerk an amount equal to the city engineer's estimated cost of such improvements, either in cash or an indemnity bond, with sureties satisfactory to the city, conditioned upon the payment of all construction costs incurred by the city in making of such improvements and all expense incurred by the city for engineering and legal fees and other expense in connection with the making of such improvements.
- (c) No final plat shall be approved by the city council without first receiving a report from the city engineer certifying that the improvements described in this article, together with the agreements and documents required in this article, meet the minimum requirements of all applicable ordinances. As-built drawings of all improvements shall be filed with the city engineer. Such as-built drawings shall show the date of construction and shall be drawn in such a manner and on such materials to meet the standards of the city available in the city engineer's office. As-built drawings must be completed and filed in the city engineer's office within 60 days of the completion of such improvement. If as-built drawings are not filed within the time period specified the city engineer may be authorized to conduct surveys and complete the drawings and all of the costs pursuant thereto shall be paid by the owner.

Section 54-142. Street grading.

The full width of the street right-of-way shall be graded and paid for by the developer, including the stabilized gravel base of the areas to be paved, in accordance with standards for street construction approved by the city. No prepared street shall be approved if its surface is more than two feet below the regulatory flood protection elevation. The city planning commission and city council may require, where necessary, profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets provided such fill does not unduly increase flood heights. Drainage openings shall not restrict the flow of water so as to unduly increase flood heights.

Section 54-143. Street improvements.

- (a) Petitions for sidewalks, if required, pavement, curb and gutter covering all streets in the subdivision shall be filed, or, if these improvements are to be installed by the owner or subdivider under contract, a cash deposit or bond covering the cost, as estimated by the city engineer shall be made in accordance with section 54-141.

- (b) A certified copy of the plat restrictions which shall include a provision that, in all instruments of sale or conveyance given before all street improvements have been made, the consignee shall agree to and approve such improvements, and the assessment of their cost.

Cross reference--Streets, sidewalks and other public places, ch. 50.

Section 54-144. Street trees.

Street trees shall be planted in conformance with a platting plan and standards approved by the city.

Cross reference--Vegetation, ch. 70.

Section 54-145. Street signs.

Street signs of standard design approved by the city shall be installed at each street intersection.

Section 54-146. Sidewalks.

A sidewalk six feet in width shall be installed within the street right-of-way in front of each lot fronting on a public street within areas platted after the effective date of the ordinance from which this section is derived before any lot constituting a part of such plat shall be conveyed.

Section 54-147. Driveways.

A concrete or asphalt driveway at least ten feet wide shall be installed on lots in areas platted after the effective date of this provision. The driveway shall run from the near edge of the roadway into the lot for a distance of at least 25 feet from the front lot line. No lot constituting a part of areas platted after the effective date of this provision and upon which a dwelling has been erected shall be conveyed unless such driveway has been installed.

Section 54-148. Sewers.

- (a) Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the city sewer system is available at or reasonably near the boundary of the subdivision.
- (b) Storm drainage facilities, where required, shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from building and onsite waste disposal sites. The city planning commission and city council may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to protect against surface erosion and siltation of surface waters and to prevent the discharge of excess runoff onto adjacent properties.

- (c) If the subdivision requires additional trunk sewers they may, if approved by the city council, be installed under contract by the city after petition for such additional trunk sewers by the owner. The cost shall be assessed against all lots in the subdivision over a period of not to exceed ten years.
- (d) If approved by the city council, both storm and sanitary sewers may be installed under contract by the city after petition for the storm and sanitary sewers by the owner. The cost shall be assessed against all lots in the subdivision over a period of not to exceed ten years.
- (e) All sewer construction must conform to the standards of the city for such work.
- (f) The city planning commission and city council may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision, the city planning commission and city council shall require the subdivider to provide sewage facilities and to connect to this system where practical, and shall prescribe the procedures to be followed by the subdivider in connecting to the system. The city planning commission and city council may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The city planning commission and city council may require that the subdivider clearly indicate on the face of the plat and in any deed of conveyance the areas in which soil absorption systems are not to be used. If the subdivision is not to be served by the public city sewer system, private restrictions shall be filed with the final plat and incorporated in each deed, calling for the installation on each lot of an individual sewage disposal system meeting fully the requirements of the city, county, or state officials having jurisdiction.

Cross reference--Utilities, ch. 66.

Section 54-149.

Water supply.

- (a) Where a connection to the city water system is presently available at or reasonably near the boundary of the subdivision, water distribution facilities, including fire hydrants, shall be installed to serve all properties within the subdivision. Water mains shall be a minimum of six inches in diameter and shall meet all city standards therefore. All water systems located in flood prone areas, whether public or private, shall be flood proofed to a point at or above the regulatory flood protection elevation. If there is an existing public water supply system on or near the subdivision, the city planning commission and city council shall require the subdivider to connect to this system, where practical, and prescribe the procedures to be followed.
- (b) If approved by the city council, water mains may be installed under contract by the city after petition for the water mains by the owner. The cost shall be assessed against all lots in the subdivision over a period of not to exceed ten years.

Cross reference--Utilities, ch. 66.

Section 54-150. Building site improvements.

No subdivision shall be approved for floodway areas if anticipated levees, fills, structures or other features will individually or collectively increase flood flows or damages. The city council shall reasonably assume an equal degree of encroachment on the opposite side of the watercourse in calculating possible effects of the proposed uses.

- (1) Building sites for residences, motels, resorts and similar uses for human occupancy shall not be permitted in floodway areas. These uses may be permitted outside the floodway if building sites are filled to an elevation not lower than one foot below the regulatory flood protection elevation for the particular area. Required fill areas must extend 15 feet beyond the limits of intended structures and, if the subdivision is not to be sewerred, must include areas for onsite waste disposal.
- (2) Building sites for structures other than those used for human occupancy outside of floodway areas shall ordinarily be filled as provided in subsection (1) of this section. However, the city council may allow subdivision of areas for commercial and industrial use at a lower elevation as the subdivider protects the areas to the regulatory flood protection elevation by levees, floodwalls, channel modifications, or other protective techniques; or if the subdivider agrees to protect uses through structural flood proofing, flood warning systems or other techniques.
- (3) Should the city council determine that only part of a proposed plat can be safely developed, it shall limit development to that part and require that the specifications for development be consistent with its determination.
- (4) When the subdivider does not intend to develop the plat himself, and the city council determines that additional use controls are required to insure safe development, it may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.

Section 54-151. Warning signs.

The limits of the areas which have been or would be inundated by the regional flood or by experienced floods of greater magnitude shall be delineated at 1,000 foot intervals by means of firmly placed markers of sufficient size to be easily read from a distance of 20 feet. The markers shall record the maximum known level of flooding or regional flood protection elevation, whichever is greater. The city council shall prescribe the size, shape, lettering and installation instructions for floodplain markers. The cost of preparing and installing such markers shall be borne by the subdivider and the markers shall be installed prior to the sale of lots and construction of any buildings or structures.