

## CHAPTER 180

# SUBDIVISION REGULATIONS

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**180.01 PURPOSE.** In accordance with the Comprehensive Plan, the City of Johnston has adopted a Zoning Ordinance to assist in controlling the future development of the City by regulating the use of land, size of lots, height and bulk of buildings, size of yards and open spaces around buildings, density of population, and the locations and uses of buildings and structures for residential, commercial, industrial and other purposes. The subdivision of land must be coordinated with the Comprehensive Plan and the Zoning Ordinance for the purpose of guiding future development of the City as outlined in the Plan. Subdivision Regulations prescribe the way land is to be divided and made ready for development. The review and approval of subdivisions under this chapter shall also preserve and enhance the development of neighborhoods as envisioned in the Comprehensive Plan and incorporating amenities of the highest standards. It is essential to establish minimum standards for design and development that will provide for future services and accurate records while meeting public safety, health and general welfare requirements.

**180.02 JURISDICTION.** This chapter is in accordance with the provisions of Chapter 354 of the Code of Iowa, and amendatory acts thereto, governing the subdivision of all lands within the corporate limits of the City, and Section 354.9 of the Code of Iowa, governing subdivision of all lands within two (2) miles of the corporate limits. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into a lot or other division of land for the purpose of sale, transfer or building development whether immediate or future, including the replatting of land or lots. They shall also apply to any situation where there is a dedication of streets, alleys, easements or land for other public use. No plat or subdivision shall be officially recognized by the City until all provisions and approvals set forth in these regulations have been met. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after July 11, 1974, unless such subdivision or street has been approved in accordance with the provisions contained herein.

The Building Official shall not issue permits for any structure located on a lot in any subdivision, the plat of which has been recorded after July 11, 1974, and not approved in accordance with the provisions contained herein.

**180.03 DEFINITIONS.** For the purpose of this chapter, certain terms and words are defined as follows:

1. "Alley" means a public right-of-way, other than a street, twenty feet or less in width, affording secondary means of access to abutting property.
2. "Auditor's plat" means a plat prepared at the request of the County Auditor to clarify property boundaries for the purposes of assessment and taxation.
3. "Block" means an area of land within a subdivision that is entirely bounded by streets and the exterior boundary or boundaries of the subdivision.
4. "Building line" means a line on a plat between which line and public right-of-way line no buildings or structures may be erected.
5. "Commission" means the Planning and Zoning Commission of the City.
6. "Cul-de-sac" means a dead-end street being terminated by a vehicular turnaround.
7. "Department" means the Community Development Department of Johnston, Iowa.
8. "Director" means the Community Development Director of Johnston, Iowa.
9. "Easement" means a right-of-way granted for the purpose of limited private, public and quasi-public use over, across, under or through private land.
10. "Lot" means a portion of a subdivision or other plot or parcel of land which is, or may be in the future, offered for sale, conveyance, transfer or improvement.
11. "Major street" means a street, other than a local service street, as designated on the Comprehensive Plan of the City.
12. "Plat" means a map, drawing, or chart representing a proposed subdivision of land submitted by the owner with intent to record.
13. "Proprietor's plat" means a plat submitted by the owner of the land being platted or by said owner's agent or other private entity acting with the consent of the owner.
14. "Residential street" means a local service street used primarily for access to abutting property.
15. "Subdivider" means the owner or owners of property to be subdivided, or their duly authorized representatives.
16. "Subdivision" means the division of a lot, tract or parcel of land into two or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes resubdivision and when appropriate to the context relates to the process of subdividing or to the land subdivided. However, the sale or exchange of parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots, is not considered a subdivision but shall be subject to provisions for a minor property transfer.

**180.04 CHANGES AND AMENDMENTS.** Any regulation or provision of this chapter may be changed and amended from time to time by the City Council; provided, however, such changes and amendments shall be referred to the Commission for their review and recommendation. The Council shall conduct a public hearing on the amendment and provide notice at least 7 days prior to the meeting.

**180.05 GENERAL PROCEDURES.** To obtain final approval of a proposed subdivision by the Commission and the Council, the owner shall submit separate applications for a preliminary plat and a final plat. The Director shall make available application forms, schedules, checklists, number of copies required, and other information necessary to make an application. The Council shall establish guidelines for the processing of applications and establish application fees, which will be available from the Director. All accompanying material and associated fees must be submitted with any application identified in this chapter to the Department before it will have been considered officially received.

**180.06 PRELIMINARY PLAT SUBMITTAL.** It is advisable that the applicant or representative of the applicant meet with the Department to discuss the feasibility and design of the proposed development prior to submitting an application. If the subdivider elects to proceed, the subdivider shall submit the preliminary plat and the required supplemental material to the Department. The preliminary plat review shall determine if the proposed subdivision will meet the design standards contained within this Code of Ordinances and the principles of the Comprehensive Plan.

1. Upon submission of an application, the Department may arrange for a development review meeting at which concerned departments and agencies shall be invited to attend and provide their comments on the proposed subdivision.
2. Also upon submission of an application, the Department may notify adjacent property owners and invite them to obtain information and make comments regarding the proposed platting.
3. Planned Unit Developments may require a preliminary plat if the Master Plan approval material is inadequate or out-of-date.

**180.07 MINOR SUBDIVISIONS.** No separate preliminary plat approval is required for a minor subdivision. Therefore, the procedures for the approval of the final plat would be applicable. The information presented with an application shall satisfy the requirements of the preliminary and final plat. A proposed subdivision may qualify for review as a minor subdivision if the following criteria are met:

1. No public street extension and only minor or no public improvements are required to serve any new lot created.
2. Where it is determined that the proposed division of land is in conformance with the adopted Comprehensive Plan, the requirements of this chapter, and other policies and ordinances of the City.

In order to make an application for a minor subdivision, a pre-application meeting must be held and the Director shall make a finding that the above criteria are applicable. The Director shall also determine what information must be contained on the preliminary and final plat maps submitted, if different from the information required for a normal subdivision application.

**180.08 INFORMATION REQUIRED ON PRELIMINARY PLATS.** The application shall be sufficient to show all facts needed to enable the City to determine whether the proposed layout of the land in question is in accordance with all requirements. The preliminary plat shall be complete and accurate in accordance with the preliminary nature of the proposed plat, and substantial enough to support the need for the proposed improvements.

**180.09 PRELIMINARY PLAT APPLICATION REVIEW.** The Department shall report a summary of the City departments and agencies commenting and where appropriate will attach each departmental review in the form in which it was received. The Department shall schedule a time and place so the Commission can consider the proposed subdivision.

**180.10 COMMISSION ACTION ON PRELIMINARY PLAT.** After receiving the Department's report, the Commission shall examine the preliminary plat and accompanying material for conformity with this chapter. The Commission may confer with the subdivider on changes deemed advisable and the extent of the improvements to be made. The Commission shall make a recommendation to approve, conditionally approve, or reject such plat within sixty (60) days after the date of receipt by the Department. The Department shall transmit the recommendation of the Commission and the Department's report to the City Council and subdivider and make arrangements for the Council to take final action on the proposed preliminary plat application.

**180.11 COUNCIL ACTION ON PRELIMINARY PLAT.** The Council, after receiving a recommendation from the Commission, may approve, conditionally approve, or deny the preliminary plat application. The approval of the preliminary plat shall be null and void unless the final plat is presented to the Commission within two years of the date of approval of the preliminary plat by the Council.

**180.12 PRELIMINARY PLAT EXTENSION.** If the Council gives final plat approval to any integral part of a preliminary plat, the remainder will automatically be extended for a period of one year without the granting of an extension. The preliminary plat is null and void after four successive final plats or five years from the original approval of the preliminary plat.

**180.13 CONSTRUCTION PLANS.**

1. Application Requirements. The construction plans for the required public improvements shall be approved by the Council. Applications for construction plan approval shall be made to the Department and in a form as based upon guidelines available from the Department. The Department shall prepare a report of the proposed public improvement plans for consideration by the Council, including comments from interested departments and agencies. Construction plans shall be developed in accordance with the approved preliminary plat, this chapter, and the City's adopted standards and specifications.

2. Construction Plan Contents. Profiles shall be made of all streets and alleys, fifty feet horizontal scale and five feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

3. Construction Inspection. Inspection shall be performed as specified in the City's Standards and Specifications. The subdivider shall reimburse the City for inspections performed.

**180.14 FINAL PLAT PROCEDURES.** Only that part of the preliminary plat that is proposed by the subdivider for recording at any one time must be submitted in final form. The final plat may reflect the entire plat or an integral unit thereof.

**180.15 FINAL PLAT REQUIREMENTS.** The subdivider shall submit to the Department copies of a final plat containing the necessary information for approval.

1. Contents of Final Plat. The final plat shall be submitted to the Department and City Attorney for study and review. A licensed land surveyor and engineer shall make this plat from an accurate survey. The Council shall place guidelines on the processing timelines that shall be disseminated by the Department.

2. Review and Recommendation by Commission. After receiving the Department's report, the Commission shall examine the final plat and accompanying material for conformity with these regulations and the approved preliminary plat. The Commission may confer with the subdivider on changes deemed advisable and the extent of such improvements to be made by the subdivider. The Commission shall make a recommendation to approve, conditionally approve, or reject such plat within sixty (60) days after the date of receipt by the Commission. The Department shall transmit the recommendation of the Commission and the Department's report to the Council and subdivider.

3. Consideration by City Council. The final plat shall conform to the preliminary plat approval and to this Code of Ordinances and the required public improvements shall be completed or assurance provided for their completion. The Council shall not consider a final plat until receipt from the subdivider of a title opinion, tax certificate, easements, deeds, lender's certificates, and other information to the satisfaction of the City Attorney and Director. If the Commission does not recommend approval of the final plat, the Council may approve said plat only by a four-fifths majority of the membership of the Council. The Council will approve the plat via a resolution that shall be recorded with the plat. The Clerk shall seal the approved final plat. The subdivider shall be responsible for the recordation of the final plat and associated documentation with the Polk County Recorder's Office. Approval of the final plat by the Council shall be null and void if the plat is not recorded within thirty days after the date of approval, unless application for an extension of time is made in writing during said thirty-day period to the Council.

4. Acceptance of Public Improvements. Approval of the final plat by the City does not constitute final acceptance by the City of any improvements to be constructed, unless specifically stated in the resolution approving the final plat. Improvements will be accepted only after their construction has been completed and inspected by appropriate City personnel certifying the improvements have been completed in conformance with standards and specifications and all other requirements of the City. The Council may accept all streets, utilities, alleys, easements, parks or other areas reserved for or dedicated to the public. Upon completion of the improvements as required in this chapter and upon receipt of utility service locations (if applicable) the Council may accept the improvements by resolution, at which time the City will assume maintenance of the improvements.

**180.16 PLATS IN UNINCORPORATED AREAS.** The provisions of this section shall apply to all subdivisions located in the unincorporated area of Polk County within a two-mile radius of the Johnston corporate limits, with the exception of the area east of the Des Moines River and Saylorville Lake, in accordance with Section 354.9 of the Code of Iowa. For plats located in unincorporated areas, the standards and conditions applied by the City for review and approval of the subdivision shall be the same standards and conditions used for review and approval of subdivisions within the City limits. The City may, by resolution, defer its review authority to the governing jurisdiction or accept the standards of the other governing jurisdiction.

**180.17 AUDITOR'S PLATS.** Whenever the Polk County Auditor requests an Auditor's plat, all provisions of this chapter governing subdivisions shall apply to such Auditor's plat. In situations where requirements for a new plat are not applicable to an Auditor's Plat, the Director will determine those requirements that must be adhered to provided there is on file with the Clerk a copy of the request for such plat by the Polk County Auditor and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

**180.18 MINOR PROPERTY TRANSFER.** Any parcel of land to be transferred from one owner to another adjacent owner that does not constitute a subdivision as defined under Section 180.03 shall be platted as a plat of survey. The proposed division for transfer shall not result in or encourage development that is inconsistent with adjacent development and neighborhood character. If it is determined the plat of survey conforms to all other provisions of this chapter, the City Administrator shall indicate approval with a signature on the plat of survey within ten days of submittal. The plat of survey shall be recorded with Polk County within thirty days of the City Administrator's signature or it will become null and void.

**180.19 DESIGN AND DEVELOPMENT STANDARDS GENERALLY.**

1. Conformance Required. No subdivision plat shall be approved by the Council unless it conforms to all applicable minimum standards and requirements of this chapter, except those plats referred to as auditor's plats.
2. Variations Allowed. Whenever the tract proposed to be subdivided is of such unusual 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 less desirable use of the land, the City may modify or vary such requirements to the end that the subdivider is allowed to develop property in a reasonable manner. The variations and exceptions granted shall be in harmony with the intended spirit of this chapter and granted with the view toward protecting the public welfare and interest of the City and surrounding area.
3. Creation of Lots with Some Services not Available. It is the policy of the City to prohibit the creation of lots where adequate services are not provided. Adequate services would include (but are not limited to) availability of water service adequate to serve fire protection needs, sanitary sewer service as opposed to individual sewer disposal systems, adequate streets to serve the proposed use without creating safety concerns and maintenance liabilities for the City. However, there are areas of the City where service levels are currently deficient and may remain deficient for several years to come. Where it is unlikely that services will be provided in an economically practical and timely fashion, the creation of the subdivision via the platting procedure is dependent upon satisfactory evidence that:

- A. The lots created would be an appropriate division of land and shall not hinder the future upgrade of public services to a level as envisioned in the Comprehensive Plan.
  - B. Any on-site wastewater treatment system must be approved by Polk County or the Iowa Department of Natural Resources.
  - C. The existing street system has the capacity and is in satisfactory condition to support the increased development.
  - D. The proposed subdivision is an infill project within an existing neighborhood.
  - E. The subdivision shall create a small number of lots, generally no more than 2 to 3.
  - F. The property owner seeking to develop the subdivision shall acknowledge through petition and waiver that they will be in full support of any future capital improvement project in that neighborhood. The project will be one that is financed all or partially by special assessment and built to the City's subdivision regulations and standard specifications. In addition, the City Council may interpret the vote for that property and/or subsequent lots as votes in support of the project.
4. Large Lot Subdivision. Whenever the area is divided into lots containing one or more acres and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

**180.20 GENERAL SUBDIVISION DESIGN.** The layout of streets shall discourage through traffic on local streets and channel traffic onto collector and arterial streets. The layout should also conform to the topographical character of the site through the use of curvilinear streets. The street circulation system shall be established to achieve economical use of land for building sites, minimize the cost of roadway construction, and provide uniform, efficient, and safe traffic conditions. The layout of streets shall also be consistent with the general character desired as defined in the City's Comprehensive Plan and other policies and guidelines of the City.

**180.21 DATUM PLANE.** The United States Coast and Geodetic Survey Datum Plane is established and adopted as the City of Johnston datum plane and shall be used as the reference plane in establishing all elevations and grades within the City.

**180.22 RELATIONSHIP TO ADJOINING STREET SYSTEM.** The arrangement of streets in new subdivisions shall make provision for the continuation or proper intersection of existing streets in adjoining subdivisions, or their proper projection where adjoining property is not subdivided. The width of such streets in new subdivisions shall not be less than the minimum street widths established here. The street and alley arrangement shall cause no hardship to owners of adjoining property and it's ability to be platted consistent with this chapter.

**180.23 HALF-STREETS.** The platting of half-streets shall be discouraged. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.

**180.24 STREET RIGHT-OF-WAY AND PAVEMENT DIMENSIONS.** The following design standards for street right-of-way and pavement dimensions shall be considered minimum standards for the design of subdivisions in the City and shall be based upon the street’s functional classifications as follows:

1. Local Service Streets. Cul-de-sac and loop streets serving up to 24 dwelling units or an equivalent amount of traffic may have a street right-of-way width of 50 feet and pavement width of 26 feet, back of curb to back of curb. The pavement width shall accommodate one traffic lane and one parking lane.
2. Local Street. Streets serving 25 or more dwelling units and commercial and industrial development of less than 1,500 average daily trips (“ADT”) shall have a street right-of-way of 60 feet and pavement width of 29 feet, back of curb to back of curb. The pavement width shall accommodate two through traffic lanes and one parking lane.
3. Minor Collector Streets. Streets serving surrounding development with less than 2,500 ADT shall have a right-of-way width of 60 feet and pavement width of 31 feet, back of curb to back of curb. The pavement shall accommodate two through traffic lanes and one parking lane.
4. Major Collector Streets. Streets serving the surrounding area with less than a projected 5,000 ADT shall have a right-of-way width of 60 feet and pavement width of 31 feet, back of curb to back of curb, and extend to a right-of-way width of 80 feet and pavement width of 49 feet for four-lane streets if applicable. The 31-foot, back-to-back pavement width shall accommodate two 11-foot-wide traffic lanes and one parking lane. The pavement shall be widened when traffic safety and performance merit the increase.
5. Arterial Streets. Streets designated as arterial streets on the major streets plan of the City’s Comprehensive Plan and having a projected volume of over 5,000 ADT shall have a minimum right-of-way width of 100 feet and pavement width of 49 feet, back of curb to back of curb. Arterials may be maintained to a lesser pavement width standard provided that consideration is given to traffic safety and performance.

**Summary of Street Classification System**

Street Designation	Volume	Right-of-Way Width	Pavement Width
Local service – loop or cul-de-sac	Less than 250 ADT	50 feet	26 feet
Local service	Less than 1,500 ADT	60 feet	29 feet
Minor collector	Less than 2,500 ADT	60 feet	31 feet
Major collector	Less than 5,000 ADT	60 to 80 feet	31 feet or more
Arterial*	Greater than 5,000 ADT	100 feet or more	49 feet or more
Cul-de-sac		105 feet diameter	80 feet diameter

\* Note: Arterial street rights-of-way with greater widths than listed above shall be required to maintain an adequate area between the street pavement and the right-of-way boundary to accommodate desired corridor area of a minimum of fifteen feet for utilities and public sidewalks, unless a greater width is required by other ordinances or standards of the City.

**180.25 MAXIMUM CURVATURE OF STREETS.** For all major streets except collectors and local service streets, the minimum radius of curvature shall be 300 feet on the centerline; for collector streets, 100 feet, and local service streets, 50 feet.

**180.26 MAXIMUM GRADE.** The maximum grade for any street shall not exceed seven percent, except in the case of local service streets where twelve percent grade shall be permissible. Changes in grades for all streets shall be connected by vertical curves of minimum length equal to fifteen times the algebraic difference in rate of grade. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the City.

**180.27 CUL-DE-SACS.** All cul-de-sacs shall terminate in a circular right-of-way with a minimum right-of-way diameter of 105 feet and paved section diameter of 80 feet. Dead-end streets are limited for health and safety purposes to provide adequate fire protection and suitable ingress/egress for emergency vehicles and for occupants. Cul-de-sacs shall be limited to land uses which generate no more than 250 average daily trips which rely entirely upon the roadway for ingress/egress to their property. For the purposes of this section, a single-family residence would generate ten ADT. Traffic generation will be based upon actual traffic counts or upon trip generation surveys of the Institute of Traffic Engineers. The Council may permit cul-de-sacs exceeding 600 feet in length or serving greater than 250 ADT if one or more of the following circumstances have been demonstrated to their satisfaction.

1. The terminated roadway cannot be extended further due to the presence of (but not limited to) unique or excessive slopes or drainage ways which would require substantial cuts and fills, the extension of which may cause adverse visual and environmental effects, blockage of natural drainage ways, disturbance of natural areas, or other adverse environmental impacts.
2. The terminated roadway cannot be extended further due to unique configurations of land ownership or existence of public land ownership where the extension of the roadway is not consistent with the purpose of the open space.
3. There is an incorporation of innovative design measures (such as boulevards, additional roadway width, additional turning radius and alternate vehicular access) that suitably mitigate the intent to maintain fire protection and emergency vehicle ingress/egress and satisfy all other City standards and specifications.

**180.28 TEMPORARY DEAD-END STREETS.** All temporary dead-end streets serving four or more lots or exceeding 200 feet in length shall terminate in a temporary turn-around constructed of temporary Asphaltic Concrete (or alternate) with a minimum diameter of 60 feet or other satisfactory means of turning a vehicle, including vehicles required to remove snow.

**180.29 SUBDIVISION INGRESS/EGRESS.** The normal development of subdivisions may result in only one means of ingress/egress for a period of time until a later phase of development occurs or until an abutting property extends the roadway. Temporary dead-end streets shall not support land uses which generate more than 500 ADT, without provision for secondary access to a public street consisting of a minimum of 16-foot-wide paved access to the satisfaction of the Council.

**180.30 BLOCKS.** No block shall be longer than 1,320 feet.

**180.31 LOTS.**

1. All side lot lines shall be substantially at right angles or radial to street centerlines, unless the Commission agrees that a variation to this requirement will provide for better street and lot arrangement. Double frontage lots shall be avoided except where essential to provide separation of residential development from major arterial streets or to overcome specific disadvantages of topography.
2. The minimum dimensions for lots shall be in accordance with the bulk regulations of the Zoning Ordinance for the district within which the subdivision is located; provided, corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the Zoning Ordinance.
3. The minimum depth for a lot shall be 100 feet except for patio homes, townhomes, condominiums and other similar life-style homes.
4. All lots at street intersections shall have a radius of not less than 15 feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cutoff or chord may be substituted for the circular arc.

**180.32 STREET FRONTAGE REQUIRED.** No lot shall be created for residential purposes and no building permit shall be issued for a residential structure unless the lot abuts for at least 40 feet on a public street. A lot may contain a building used for residential purposes if an exclusive unobstructed private easement of access or private right-of-way of at least 25 feet wide to a public street is provided up to and including the lot being created. If a common easement of access or right-of-way will provide access for two (2) or more single-family dwellings, the common easement of access or right-of-way shall be at least 50 feet wide from the public street up to and including the lot being created. A lot served by a common easement of access shall not be created until the Council can make a determination that: (i) the easement is a reasonable means of access in lieu of a public street; (ii) assurance exists that the improvements will be maintained in perpetuity; and (iii) the common driveway or private drive improvements are adequate for their intended use.

**180.33 FLAG LOTS.** The subdivision of land into “flag lots” may be permitted if the Council determines the flag lot cannot be included as part of adjoining vacant land to create a subdivision in compliance with this chapter.

**180.34 STREET NAMES AND LOT ADDRESSES.** Names of new streets within a subdivision shall be shown on the preliminary plat and shall be subject to review by City staff and approval by the Council. Address designations for all buildable lots created shall be provided by the Director and shown on the final plat and shall be subject to approval by the Council.

1. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. Proper names of individuals shall not be considered acceptable as street names, except upon approval of the Council. The Council may commemorate or honor an individual who has made a significant contribution of high recognition to the community, State or nation by requiring that name to be shown on the plat.
2. The last name of all streets in the City shall be determined as follows: North and south streets shall end with Street or Court. East and west streets shall end as Drive, Avenue, Place, Circle, or Lane. Major arterial or collector streets that run in any direction will be named as Boulevard, Way, or Road.

3. Streets which are looped, with their two accesses from the same street and whose predominant street alignment is perpendicular to the street from which its access is obtained, shall have a minimum of two separate street name identifications; if a significant segment of such looped street has an alignment generally parallel to the street from which access is obtained, a third street name within the loop may be permitted.
4. A looped street may have only one name if its predominant alignment is parallel to the street from which access is obtained, and provided the segments of the loop street not parallel to the street from which access is obtained are not significant in length and have few lot frontages.
5. Addresses for buildable lots shall be reviewed by City staff and approved by the Commission and Council as part of their review of the final plat. Addresses shall be designated based upon a grid system with intervals of eight blocks of approximately 660 feet per block in the north-south alignment, and 14 blocks of approximately 380 feet per block in the east-west alignment.
6. As a general policy for numeric addressing of lots, addresses shall be sequenced in increments of four per lot for north-south streets and increments of eight per lot for east-west streets. Variations from this number sequencing may be required for subdivisions with large lots. Addresses on the north and east sides of a street shall be odd numbers, and addresses on the south and west sides of a street shall be even numbers.

**180.35 SANITARY SEWERS.** All sanitary sewers and appurtenant facilities shall be designed and constructed in accordance with the City's standards and specifications for sanitary sewers. Plans shall be prepared by a registered Civil Engineer in the State of Iowa. They shall be designed to meet the ultimate flow requirements as determined by the City Engineer. They shall be extended as far as necessary to accommodate its future extension.

**180.36 WATER MAINS.** All water mains and appurtenant facilities shall be designed and constructed in accordance with standards and specifications for water mains. Plans shall be prepared by a registered Civil Engineer in the State of Iowa. Mains shall be 6-inch or larger as necessary to meet service and fire flow demand, and completed with necessary valves, stop boxes, and fittings. Fire hydrants shall be spaced at a maximum of 600 feet in residential areas; 300 feet in multi-family, commercial, and industrial areas, and not greater than 250 feet from major structures.

**180.37 STORM DRAINAGE FACILITIES.** Plans shall be prepared by a registered Civil Engineer in the State of Iowa and verified by the City Engineer. Facilities shall be designed to convey drainage through the site equivalent to the 100-year storm in a developed state. On-site drainage facilities shall be designed to provide sufficient detention facilities to reduce the release rate to the equivalent of a 5-year recurrence interval storm when the property was in an undeveloped state. They shall be extended as far as necessary to accommodate footing drain water discharge and to serve adjacent tributary properties.

**180.38 BUILDING LINES.** Building lines shall be shown on all lots intended for residential use. Such building lines shall not be less than the minimum yard requirements of the Zoning Ordinance for the district within which the property is located. The building setbacks as specified in the Zoning Ordinance shall take precedence to the building line shown on the recorded plat.

**180.39 CHARACTER OF DEVELOPMENT.** The Council shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

**180.40 EASEMENTS ALONG STREAMS.** In compliance with Chapter 145, Erosion and Sediment Control and Stormwater Management and whenever any stream or major surface watercourse is located in an area that is being developed and/or subdivided, the applicant shall, at the applicant's expense, make any required modifications to existing storm drainage channels to properly carry the surface water. The applicant shall also provide and dedicate to the City an easement along each side of said stream or watercourse.

*(Ord. 776 – Feb. 08 Supp.)*

**180.41 EASEMENTS.** Easements for public and private utilities, open space, walkways, and overland flowage shall be provided where needed. Such easements shall be a minimum of ten (10) feet total width for private utilities only, and fifteen (15) feet total width for combined private utility and walkway easements. Proper coordination shall be established between the subdivider, Department of Community Development, and the utility companies for the establishment of utility easements. Perpetual unobstructed easements of at least ten (10) feet in total width may be required along side lot lines with satisfactory access to the rear lot lines or road where necessary. Drainage easements may vary in width depending upon drainage requirements. Easements for dedicated public utilities shall be a minimum of ten (10) feet on either side of the centerline of the utility. Easements identified on the preliminary and final plats shall be by separate written document approved by the City Attorney and Director and filed in conjunction with the final plat.

**180.42 IMPROVEMENTS REQUIRED.** Before the final plat of any area shall be approved by the Council and recorded, the subdivider shall make and install the improvements described in this section.

1. **Bond.** In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond, approved by the City Attorney and Director. The bond will insure to the City that the subdivider will complete the improvements within one year after final approval of the plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the City Council. If the improvements are not completed within one year after the approval of the construction plans or the approval of the final plat, the Council, at its sole discretion, may use the bond or any portion thereof to complete the improvements. Subdivision bonds for improvements shall be in full force and effect until acceptance of the improvements by the City, at which time the maintenance bonding period shall commence.

2. **Maintenance Bond.** The subdivider shall warrant the design, material, workmanship, installation, and/or construction of such improvements for a period of four (4) years from and after acceptance of the roadway paving, and four (4) years for sanitary sewers, storm sewers and water mains. Such warranty shall be by bond or other acceptable collateral, shall be subject to review by the City Attorney, and shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the City from any and all costs or losses resulting

from, attributed to, or otherwise arising from such defective improvements. The contractor may post the required maintenance bond in lieu of the subdivider.

3. Inspection. The Public Works Director shall inspect all construction. Laboratory and field tests shall be taken when necessary. No construction will be permitted or accepted without proper inspection. Inspection costs will be paid by the subdivider to the City.

4. Streets. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The paving of such new streets shall be built according to the City's adopted standards and specifications. Minimum pavement widths shall be in accordance with adopted City standards.

5. Improvement to Adjacent Streets. The following are adopted as general guidelines to be applied to development and their projected impact upon the existing and proposed transportation network of the City as envisioned in the Johnston Comprehensive Plan, as amended, and subsequent traffic analysis.

A. The subdivider/property owner shall be responsible for improvement to collector street standard, any street adjacent to and in the interior of their project as noted on the Comprehensive Plan. The City shall be responsible for the balance of the improvements required.

B. It shall be the subdivider/property owner's responsibility to provide the required improvement at the time of development. In lieu thereof, the City may accept a petition and waiver for the improvement or a performance bond for its eventual construction.

C. The required improvement shall include participation in appurtenant improvements including traffic signals, drainage facilities and turning lanes as required by the project.

6. Lot Grading. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon. Grading shall be in accordance with Chapter 145 of this Code of Ordinances. Lot grading shall not commence until all required permits are obtained, including any permits required from the Department of Natural Resources.

7. Sanitary Sewers. The subdivider shall construct sanitary sewers according to the standards and specifications of the City, and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks may be permissible as a temporary measure pending future sewer service. In situations of on-site sewage disposal the subdivider shall provide to the City appropriate permits issued by Polk County or the Iowa Department of Natural Resources.

8. Storm Sewers and Drainageways. All storm drainage flowing through the site and from within the site shall be conveyed through storm drains and appurtenant facilities. The facilities shall be constructed in accordance with the City's standards and specifications for storm drains.

9. Water Mains. The subdivider shall provide for the installation of water mains and fire hydrants in the subdivided area, and such installation shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of the City.

10. Sidewalks. The subdivider shall provide for the installation of sidewalks along all newly created lots, including sidewalks on adjacent existing streets. The sidewalks shall be built according to the standards and specifications of the City. The subdivider shall indicate in the application for approval of a preliminary or final plat those sidewalks that will be constructed at the time of installation of public improvements, and those that the subdivider would like the Council to defer until a later date. If the Council agrees to defer construction of the sidewalks, sidewalks shall be constructed at the time a principal structure is build upon the adjacent lot or lots or within five (5) years of plat approval, whichever is earlier. Notwithstanding the above, the Council may require the sidewalk's construction at the time adjacent roadway construction takes place or at any other time as noted in the final plat approval. At the time sidewalk construction is required as provided above, such construction shall be completed at the sole cost and expense of the person or entity that owns the property or lot at the time of construction.

11. Street Signs. The City shall furnish and cause to be erected at all intersections, street identification signs, and posts in accordance with standards approved by the Council. The subdivider shall reimburse the City for all costs associated with the purchase and installation of the required street signs.

12. Planting. Planting may be proposed by the subdivider or required by the City along rear or side lot lines which border any divided highways, major arterials, or frontage roads, and shall be illustrated on the preliminary plat.

13. Streetlights. Installation of streetlights shall be required in accordance with design and specification standards approved by the City. Plans for steel pole streetlights with underground distribution shall be submitted by the subdivider to the City for approval. The subdivider shall pay the cost of streetlights with underground distribution lines.

14. Monuments. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least 30 inches long.

15. Private Utilities. All private utilities, including but not limited to, gas, electric power, telephone, and cable TV lines shall be located underground throughout all residential zoning districts. The availability of these facilities and their existing location shall be shown on the preliminary plat. The subdivider shall be responsible for complying with the utility requirements of this Code of Ordinances. The subdivider shall also be responsible for making the necessary arrangements including any construction or installation charges with each of the serving utilities. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, and other facilities necessarily appurtenant to such underground utilities shall be underground if possible. Such facilities shall be placed within easements or public rights-of-way provided for each particular facility. Overhead utilities with underground service lines may be permitted in commercial and industrial zoning districts.

16. Rear Lot Sidewalk Lighting. Rear lot sidewalk lighting shall be installed by the subdivider where required and dedicated to the City in accordance with City standards.

17. Fencing. The subdivider shall furnish and install fences required by the Zoning Ordinance or otherwise required by the City Council.

18. Debris and Waste. No cut trees, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be left or deposited on any lot or street at the time of the issuance of a certificate of occupancy on a subdivision. Nor shall any of the above be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements.

**180.43 PUBLIC PARKLAND DEDICATION.** The purpose of this section is to regulate the use and development of land so as to assure that new developments provide for the health, safety and welfare of future residents by providing land for public parks within the City and within areas being newly developed or redeveloped for residential purposes.

1. Rules of Construction. The provisions of this section shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare. For the purposes of administration and enforcement, unless otherwise stated in this section, the following rules of construction shall apply to the text of this section:

A. In case of any difference of meaning or implication between the text of this section and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The phrase “used for” includes “arranged for, designed for, maintained for, or occupied for.”

C. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:

(1) “And” indicates that all the connected terms, conditions, provisions, or events shall apply.

(2) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) “Either... or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

D. The word “includes” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

2. Definitions. The following terms are defined for use in this section:

A. “Capital improvement” includes parks planning, land acquisition, site improvements, buildings, and equipment but excludes maintenance and operation.

B. “Developer” means any person, individual, firm, partnership, association, corporation, estate, trust or other entity acting or proposing to subdivide land for the construction of any of the residential buildings identified in Section 181.05.

C. “Development order” means a regulatory approval by the City.

D. “Dwelling unit” means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one family, containing sleeping, bathroom, and kitchen facilities.

- E. “Mobile home unit” is defined in the Zoning Ordinance.
  - F. “Multiple-family dwelling” means a dwelling designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each but excluding townhomes or condominiums as defined in the Zoning Ordinance.
  - G. “Park” means any neighborhood park or neighborhood recreational trail.
  - H. “Pond” means any still body of standing water.
  - I. “Private recreational facility” is any recreational facility which is not owned by or dedicated to the City.
  - J. “Recreational facility improvements” consist of the acquisition and installation of equipment, building construction, grading, landscaping, and extension of services. These improvements include only those activities that are directly associated with the development of the proposed recreational facilities from raw ground.
  - K. “Single-family attached dwelling” includes two-family dwellings, townhomes and condominiums as defined in the Zoning Ordinance.
  - L. “Single-family detached dwelling” is the same as a single-family dwelling as defined in the Zoning Ordinance.
  - M. “Waterway” means a channel through which water runs.
3. Dedication of Public Parkland Required. Any developer who seeks to develop land for residential purposes within the City shall be required to dedicate public parkland. No new plats or site plans for residential development shall be approved unless and until the provisions of this section are complied with.
4. Computation of Amount of Public Parkland Required. This subsection shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park. Such space shall be required to be provided for by a developer who seeks to develop land within the City by submitting a plat or site plan for approval.

A. The amount of public parkland required in a proposed development shall be computed as follows:

(1) Residential Occupancy Per Living Units. In determining the anticipated occupancy for the proposed development it shall be assumed that the following dwellings will accommodate the following number of individuals:

<u>Land Use Type (Unit)</u>	<u>Individuals Per Residential Living Unit</u>
Single-Family Detached	2.980 individuals
Single-Family Attached	1.954 Individuals
Multi-Family	1.615 individuals
Mobile Home each Unit	1.600 individuals

(2) Public Parkland Per Individual. In determining the space required for public parkland in a proposed development, it shall be required that 5 acres of recreational space be provided for every 1,000

individuals. Since some developments will not house 1,000 individuals, the space requirement is to be applied on a per-individual basis. Therefore, .005 acres of public parkland shall be provided for each individual proposed to be housed in the new development based on the assumptions contained in paragraph A above.

(3) Calculation of Required Public Parkland for Each Development.

(a) For single-family detached developments generally intended for individual ownership, the following formula shall be utilized:

(number of lots) x (2.980 individuals/lot) x (.005 acres/individual)

Example for illustration purposes only: For a single-family detached residential development subject to the requirements of this section that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 2.980 \times .005 = 1.118 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland on at least 1.118 acres of property within the proposed development.

(b) For single-family attached developments generally intended for individual ownership, the following formula shall be utilized:

(number of lots) x (1.954 individuals/lot) x (.005 acres/individual)

Example for illustration purposes only: For a single-family attached residential development subject to the requirements of this section that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 1.954 \times .005 = .7328 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland on at least .7328 acres of property within the proposed development.

(c) For multi-family developments generally intended for rental, the following formula shall be utilized:

(number of units) x (1.615 individuals/unit) x (.005 acres/individual)

(Note: The 1.615 is based upon 2000 census for rental occupancy.)

Example for illustration purposes only: For a multi-housing residential development subject to the requirements of this section that proposes 100 units, the calculation under this paragraph would be as follows:

$$100 \text{ units} \times 1.615 \times .005 = .8075 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland on at least .8075 acres of property within the proposed development.

(d) For mobile home developments, the following formula shall be utilized:

(number of lots) x (1.60 individuals/lot) x (.005 acres/individual)

Example for illustration purposes only: For a mobile home development subject to the requirements of this section that proposes 75 mobile home lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 1.60 \times .005 = .60 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland on at least .60 acres of property within the proposed development.

B. If a plat or site plan is requested for mixed uses, then subsection 1 of this section shall apply only to those areas of the plat or site plan devoted to residential uses.

C. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required in subsection 1 of this section.

D. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.

E. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the public parkland to be increased in size when the adjacent property develops.

F. The amount of public parkland required to be dedicated under this section shall be capped and shall not exceed the following percentages when compared to the amount of acres being developed.

(1) Single-Family Detached. The amount of acres required to be dedicated as public parkland shall not exceed 5% of the total number of acres being developed as single-family detached.

(2) Single-Family Attached and Multi-Family. The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as long as the proposed development does not exceed 12 units per acre. If the proposed development exceeds 12 units per acre, the amount of acres required to be dedicated as public parkland shall not exceed 15% of the total number of acres being developed as single-family attached or multi-family.

- (3) Mobile Homes. The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as mobile homes.
5. Dedication of Land or Easements for Trails. Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan, the developer shall be required to dedicate land or trail easements at least twenty (20) feet in width. This land or easements, if approved by the City Council, may serve to satisfy parkland dedication requirements.
6. Alternative to Development of Public Parkland. If a developer does not desire to dedicate public parkland required in subsection 4, the developer can make a request to the City Council that the developer be allowed to meet the requirements of such section through other arrangements agreeable to the City Council and the developer as long as such agreement provides equal value to the City. Such arrangements shall be made between the City Council and the developer in the form of a Development Agreement.
7. Exemptions and Credits. The following shall be exempted from the requirements of subsections 3, 4 and 5:
- A. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
  - B. The construction of accessory buildings or structures.
  - C. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
  - D. The installation of a replacement mobile home.
  - E. The construction of any nonresidential building or structure or the installation of a nonresidential mobile home.
  - F. Minor subdivisions as defined in Section 180.07 of this Code of Ordinances.

Any claim of exemption shall be made no later than the time of application for a preliminary plat approval. Any claim not so made shall be deemed waived.