

CITY OF AVOCA

TITLE V: PLANNING AND ZONING
CHAPTER 2: SUBDIVISIONS AND PLATTING REGULATIONS

2.01 TITLE. This Chapter shall be known and may be cited as “The Subdivision and Plat Regulations Ordinance” of the City of Avoca, Iowa.

2.02 PURPOSE. The purpose of this Chapter is to provide minimum standards for the design, development and improvement of all plats, subdivisions, and re-subdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Avoca, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

2.03 TERMS DEFINED. For the purposes of this Chapter, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition Plat" shall mean the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "Aliquot Part" shall mean 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" shall mean public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
4. "Auditor's Plat" shall mean a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.
5. "Block" shall mean an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
6. "Building Lines" shall mean a line on a plat between which line and public right-of-way upon which no building or structures may be erected.

7. "City Engineer" shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council.
8. "Comprehensive Plan" shall mean the general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the City Council. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
9. "Conveyance" shall mean an instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.
10. "Cul-de-Sac" shall mean a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

"Division" shall mean dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this Chapter.
11. "Easement" shall mean an authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.
12. "Flood Hazard Area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.
13. "Floodway" shall mean the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
14. "Forty-Acre Aliquot Part" shall mean one-quarter of one-quarter of a section.
15. "Government Lot" shall mean a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
16. "Improvements" shall mean changes to land necessary to prepare it for building sites, including but not limited to, grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.

17. "Lot" shall mean a tract of land represented and identified by number or letter designation on an official plat.
18. "Lot, Corner". The term "corner lot" shall mean a lot situated at the intersection of two (2) streets.
19. "Lot, Double Frontage". The term "double frontage lot" shall mean any lot that is not a corner lot that abuts two (2) streets.
20. "Metes and Bounds Description" shall mean a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
21. "Official Plat" shall mean either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.
22. "Original Parcel" shall mean forty (40) acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before October 6, 1970.
23. "Owner" shall mean the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
24. "Parcel" shall mean a part of a tract of land.
25. "Performance Bond" shall mean a surety bond or cash deposit made out to the City of Avoca, Iowa, in an amount equal to one-hundred twenty percent (120%) of the full cost of the improvements which are required by this Chapter, said cost estimated by the City Engineer and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this Chapter.
26. "Permanent Real Estate Index Number" shall mean a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
27. "Planning Commission" shall mean the appointed commission designed by the City Council for the purpose of this Chapter, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.
28. "Plat" shall mean a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.

29. "Plats Officer" shall mean the individual assigned the duty to administer this Chapter by the City Council or other appointing authority.
30. "Plat of Survey" shall mean the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
31. "Proprietor" shall mean a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
32. "Re-subdivision" shall mean any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.
33. "Street" shall mean public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
34. "Street, Arterial" shall mean a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.
35. "Street, Collector". The term "Collector Street" shall mean a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
36. "Street, Local". The term "Local Street" shall mean a street primarily designed to provide access to abutting property.
37. "Subdivider" shall mean the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
38. "Subdivision" shall mean the accumulative effect of dividing an original lot, tract, or parcel of land, as of October 6, 1970 into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions and land taken by condemnation. The term includes a re-subdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided. Any person not in compliance with the provisions of the subdivision definition at the time of its effective date (date of passage of this Subdivision Ordinance), shall not be required to comply with such provisions unless or until a new division, re-subdivision or replatting occurs following that effective date.

39. "Subdivision Plat" shall mean the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.
40. "Surveyor" shall mean a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.
41. "Tract" shall mean an aliquot part of a section, a lot within an official plat or a government lot.
42. "Utilities" shall mean the systems for the distribution or collection of water, gas, electricity, wastewater and storm water.

2.04 JURISDICTION. This Chapter is in accordance with the provisions of Chapter 354 of the Code of Iowa, and amendatory acts thereto, governing all plats and subdivisions in the City or within two (2) miles thereof. The following shall apply:

1. No plat or subdivision shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this Chapter and has been approved as prescribed herein.
2. The City Council shall not permit any public improvements over which it has any control to be made, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after October 6, 1970, unless such subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the City Council as a public street.
3. No building permit and no certificate of occupancy shall be issued for any division unless such division has been approved as set forth in this chapter.

2.05 PLAT CLASSIFICATION. Any proposed subdivision or resubdivision shall be classified as minor plat or a major plat.

1. Minor Plat. Shall mean any subdivision that contains not more than four (4) lots fronting on an existing street, does not require construction of any public improvements, and does not adversely affect the remainder of the parcel shall be classified as a minor plat.
2. Major Plat. Any subdivision that, in the opinion of the City Council, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

2.06 RECORDING OF PLAT. No subdivision plat, re-subdivision plat or street dedication within the City of Avoca, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the appropriate office of the County Recorder and filed with the appropriate County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the appropriate County Recorder, or recorded by the appropriate County Recorder, until a final plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Chapter.

Upon approval of the final plat by the City Council, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be null and void after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

2.07 PLAT OF SURVEY REVIEW. Any division or combination of a tract, lot or parcel, not constituting a formal subdivision, shall be administratively reviewed and approved by the Zoning Official for compliance with the Zoning and Subdivision codes. A Plat of Survey shall be required. Prior to recording with the County Recorder, a division shall be certified as approved by the Zoning Official.

2.08 PRE-APPLICATION CONFERENCE. Whenever a “Minor Plat” or “Major Plat” located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a preapplication conference with the Zoning Official. The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures and any special problems relating to the proposed subdivision.

2.09 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

2.10 PRESENTATION TO PLANNING COMMISSION OR CITY COUNCIL. The subdivider may present the sketch plan to the City Council for review, prior to incurring significant costs preparing the preliminary or final plat.

2.11 MINOR PLAT PROCESS. No separate preliminary plat approval is required for a “Minor Plat”. 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. The Zoning Official shall review the minor subdivision final plat to assure that it is in full conformance with all applicable ordinances, rules, and regulations, and shall set the final plat for public hearing before the City Council. The City Council may approve or disapprove the final plat.

2.12 MAJOR PLAT PROCESS. In order to secure approval of a proposed subdivision, the owner and subdivider of any “Major Subdivision” shall comply with the requirements for a preliminary plat and the requirements for a final plat.

2.13 PRELIMINARY PLAT REQUIREMENTS. The owner or developer of any tract of land to be subdivided as a “Major Plat” shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein and shall file three (3) copies and a reproducible sepia or tracing of plat with the City Clerk. The preliminary plat shall contain the following information:

1. A location map showing:
 - A. The subdivision name.
 - B. An outline of the area to be subdivided.
 - C. The existing streets and town utilities on adjoining property.
 - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of one hundred feet (100') to one inch (1”), said preliminary plat to show:
 - A. Legal description, acreage and name of proposed subdivision.
 - B. Name and address of the owner.
 - C. Name of person who prepared the plat, and date thereof.
 - D. North point and graphic scale.
 - E. Contours at two foot (2') intervals, based on City datum.
 - F. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, watercourses, bridges, railroad and buildings in the proposed subdivision.
 - G. Layout of proposed blocks, if used, and lots including the dimensions of each, and the lot and block number in numerical order.
 - H. Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks and other open spaces or reserved areas.
 - I. Names of adjacent property owners.
 - J. Grades of proposed streets and alleys.
 - K. A cross-section of the proposed streets showing the roadway location, the type of curb and gutter, the paving and sidewalks to be installed.
 - L. The layout of proposed water mains and sanitary sewers.
 - M. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.
 - N. Proposed building lines, if different than the yard requirements established in the Zoning Regulations.

2.14 PRELIMINARY PLAT TO COMMISSION. The City Clerk shall immediately transmit two (2) copies of the preliminary plat to the Planning Commission for study and recommendation. The Planning Commission shall examine the preliminary plat as to its compliance with this chapter, and the comprehensive plan of the City and shall have forty-five (45) days within which to submit a recommendation to the City Council, provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days.

2.15 PRELIMINARY PLAT REVIEW BY THE CITY ENGINEER. The City Engineer shall carefully examine all preliminary plats as to its compliance with Section 354.8 of the Code of Iowa and the laws and regulations of the City of Avoca, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit the City engineer's findings in duplicate to the City Council together with one (1) copy of the plat received.

2.16 PRELIMINARY PLAT TO CITY COUNCIL. The City Council, upon receipt of the Planning Commission's recommendation, or after the forty-five (45) days, or any extension thereof shall have passed, shall by resolution grant approval to or reject the preliminary plat, and such action shall be noted on all copies and tracings of the plat on file with the City. Approval of preliminary plat by the City Council shall constitute approval to proceed with preparation of the final plat but shall not be deemed approval of the subdivision.

2.17 FINAL PLAT PROCESS. The subdivider shall submit to the City four (4) copies of a final plat containing the necessary information for approval. 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 following shall also apply:

1. Professional Survey. A licensed land surveyor and engineer shall make this plat from an accurate survey.
2. Review and Recommendation by Planning Commission. The Planning Commission shall examine the final plat and accompanying material for conformity with these regulations and the approved preliminary plat. The Planning Commission may confer with the subdivider on changes deemed advisable and the extent of such improvements to be made by the subdivider. The Planning 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.

3. Consideration by City Council. The City 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. If the Planning Commission does not recommend approval of the final plat, the City Council may approve said plat only by a four-fifths majority of the membership of the City Council. The City Council will approve the plat via a resolution that shall be recorded with the plat. The City Clerk shall seal the approved final plat. The subdivider shall be responsible for the recordation of the final plat and associated documentation with the County Recorder's Office.
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 City 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, the City Council may accept the improvements by resolution, at which time the City will assume maintenance of the improvements.

2.18 REQUIREMENTS OF THE FINAL PLAT. The final plat shall conform to the requirements of Chapter 355 of the Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing material. It shall show:

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City Plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.
5. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse.

6. A sealed certification of the accuracy of the plat and that the plat conforms to Section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

2.19 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. A certificate by the owner and the owner's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
3. A complete abstract of title and an Attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.
4. A certificate from the County Treasurer that the subdivision land is free from taxes.
5. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in the City Clerk's office.
6. A certificate from the County Recorder that the title in fee is in the owner's name and that it is free from encumbrances other than those secured by an encumbrance bond.
7. A certificate of dedication of streets and other public property.
8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
9. Resolution and certificate for approval by the City Council and for signatures of the Mayor and the City Clerk.
10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the City Engineer that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the City Clerk.
12. The encumbrance bond, if any, as specified in Sections 354.11 and 354.12, Code of Iowa.

2.20 IMPROVEMENTS REQUIRED. The subdivider shall, at subdivider's expense, install and construct all improvements required by this Chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

2.21 INSPECTION. All improvements shall be inspected by the City Engineer to insure compliance with the requirements of this Chapter. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

2.22 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare. All improvements shall be constructed in accordance with design standards and specifications set forth in Title IV, Chapter 4 of the City Code. The City Engineer 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.

1. 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.
2. Improvement to Adjacent Streets. The subdivider shall be responsible for improvements to any adjacent street(s) made necessary by the proposed subdivision.
3. 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 Pottawattamie County or the Iowa Department of Natural Resources.

4. 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.
5. 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.
6. 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 City Council to defer until a later date. If the City 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 City 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.
7. 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 City Council. The subdivider shall reimburse the City for all costs associated with the purchase and installation of the required street signs.
8. 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.

9. 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.
10. Fencing and Screening. The subdivider shall furnish and install fences and screening required by the Zoning Ordinance or otherwise required by the City Council.

2.23 EASEMENTS.

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across, lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.
2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at said subdivider's expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the City.

2.24 COMPLETION OF IMPROVEMENTS. Before the City Council shall approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of the resolution of acceptance, the City Engineer works shall report that the improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

2.25 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the City Council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

2.26 MAINTENANCE BOND. The subdivider shall warrant the design, material, workmanship, installation, and/or construction of such improvements for a period of two (2) years from and after acceptance of the roadway paving, and two (2) 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.

2.27 MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS. The following standards shall be considered the minimum standards necessary to protect the public health, safety and general welfare of the City of Avoca:

1. Relation to Existing Streets.
 - A. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - B. The arrangement of streets in a subdivision shall either provide for the continuation of appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the City Council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.
 - C. All temporary dead-end streets serving four or more lots or exceeding 200 feet in length shall terminate in a temporary turn-around constructed as a cul-de-sac or a hammerhead ("T") termination, which provides satisfactory means of turning a vehicle, including emergency vehicles and vehicles required to remove snow.

2. Acreage Subdivisions.
 - A. Where the submitted plat covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.
 - B. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.
 - C. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
3. Local Streets.
 - A. Local streets shall be so planned as to discourage through traffic.
 - B. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turn-around, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.
4. Frontage Streets.
 - A. Where a subdivision abuts or contains an existing or proposed arterial street, the City Council may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - B. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the City Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
6. Street Geometrics.
 - A. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
 - B. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - C. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the City Council shall determine for special cases.
7. Intersections.
 - B. Insofar as is practical, acute angles between streets at their intersection are to be avoided.
 - C. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
 - D. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the City Council may deem it necessary. The City Council may permit comparable cutoffs or chords in place of rounded corners.
8. Street Names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the City Council.
9. Street Grades. Street grades, wherever feasible, shall not exceed ten (10) percent, with due allowance for reasonable vertical curves. No street grade shall be less than one-half (1/2) of one (1) percent.

10. Alleys.

- B. Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
- C. The width of an alley shall be twenty (20) feet.
- D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
- E. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the City Council.

11. Blocks.

- A. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the center lines of intersecting streets, except where, in the opinion of the City Council, extraordinary conditions unquestionably justify a departure from these limits.
- B. In blocks over seven hundred (700) feet in length, the City Council may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

12. Lots.

- A. Minimum lot dimensions and sizes.
 - i. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision, the base zoning district for the subdivision, and for the type of development and use contemplated.
 - ii. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - iii. Corner lots for residential use shall have a width to permit appropriate building setback from and orientation to both streets.

- B. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.
 - C. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet across, which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
 - D. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
13. Building Lines. Building lines shall be shown on all lots within the platted area. The City Council may require building lines in accordance with the needs of each subdivision.
14. Easements.
- B. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
 - C. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.
15. Plat Markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the City Council. The markers shall be of such material, size and length as may be approved by the City Council.

2.28 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS. In obtaining final approval of a proposed subdivision by the City Council, the owner and subdivider shall submit a plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

2.29 PLAT TO CONFORM TO COMPREHENSIVE PLAN. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the City, provided such plan has been adopted by the City; and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

2.30 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this Chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the City Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. The City Council may also vary, modify or waive the requirements so that natural resources and drainage ways located within a proposed subdivision may be preserved. Under no circumstances shall such variance, modification or waiver have the effect of nullifying the intent and purpose of this Chapter. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the City Council.

2.31 FEES ESTABLISHED. The City Council shall, from time to time, establish by resolution fees for the review of plats in Title I, Chapter 6, also known as the “Omnibus Rate, Charges, and Fees Ordinance”. No plat for any subdivision or resubdivision shall be considered filed with the City Clerk, unless and until such plat is accompanied by the fee, as established by resolution of the City Council, and as required by this Chapter.

2.32 PENALTIES. Any person who shall dispose of any lot or lots within the area of jurisdiction of this Chapter, until the plat thereof has been approved by the City Council, and recorded as required by law, shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this Chapter.

2.33 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this Chapter, unless and until a final plat of such subdivision has been approved and recorded in accordance with this Chapter, and until the improvements required by this Chapter have been accepted by the City.

2.34 PLATS OUTSIDE CORPORATE LIMITS. Procedure for approval of preliminary and final plats of land within two (2) miles of the corporate limits shall be the same as set out in this chapter, except that five (5) copies of the plat shall be filed with the City Clerk. The City Clerk shall refer two copies to the County and request the County recommendations to be submitted to the Commission. The Commission shall not take action on the plat prior to receiving the recommendations of the County, provided that the County shall submit its recommendations within thirty (30) days after the referral of the plat to the County.

2.35 PUBLIC PARKLAND REQUIREMENT. Any developer who seeks to develop land for residential purposes within the City may be required to dedicate public parkland.