

TITLE 16
SUBDIVISIONS

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Chapter 16.04 General Provisions

16.04.010 Title. The ordinance codified in this title shall be known as and may be referred to and cited as the "Subdivision Ordinance" of the city. (Ord. 87 §1.1, 1974).

16.04.020 Purpose. This title is to provide for the harmonious development of the city, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces, for traffic, recreation, light and air, and for distribution of population and traffic which will tend to create conditions favorable to health, safety and general welfare. (Ord. 87 §1.2, 1974).

16.04.030 Approval of plats. A plat or replat of a subdivision of land located within the city, or subject to control of the city under Section 409.14 of the code of Iowa shall be certified as approved by the mayor and the same affixed to the plat or replat only after approval as provided in this title by a resolution of the city council. (Ord. 87 §2.1, 1974)

16.04.040 Compliance. No plat or subdivision in the city subject to control of the city under Section 409.14 of the-codes of Iowa, 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 the title and has been approved by the city council as prescribed in this title. (Ord. 87 §8.1, 1974).

16.04.050 Expenditure of funds - Approval. No public improvements over which the council has control shall be made with city funds, nor shall any city funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date of adoption of the ordinance codified in this title, unless such subdivision and streets have been approved in accordance with the provisions of this title, and the street accepted by the city council as a public street. (Ord. 87 §8.3, 1974).

16.04.060 Amendment procedure. The ordinance codified in this title may be amended from time to time by the city council. Such amendments as may be proposed shall first be submitted to the planning and zoning commission for study and recommendation. The commission shall report within thirty days, and failure to do so will be deemed approval of the proposed amendment, The amendment shall become effective from and after its adoption and publication as required by law. (Ord. 87 §9, 1974).

Chapter 16.08 Definitions

Sections:

- 16.08.010 Definitions generally.
- 16.08.020 Alley.
- 16.08.030 Arterial street.
- 16.08.040 City.
- 16.08.050 Clerk.
- 16.08.060 Collector street.
- 16.08.070 Commission.
- 16.08.080 Council.
- 16.08.090 Cul-de-sac.
- 16.08.100 Local street.
- 16.08.110 Loop street.
- 16.08.120 Separate tract.
- 16.08.130 Shall.
- 16.08.140 Street.

16.08.150 Subdivision.
16.08.160 16.08.160 Turnaround.

16.08.010 Definitions generally. For the purpose of this title, certain terms or words used in this title shall be interpreted and defined as set out in this chapter. (Ord. 87 §3 (part), 1974).

16.08.020 Alley. "Alley" means a public thorough fare which affords only a second means of access to abutting property. (Ord. 87 §3.2(a), 1974).

16.08.030 Arterial street. "Arterial street" means a street intended for cross-town or through traffic. (Ord. 87 §3.2(a), 1974).

16.08.040 City. "City" means the city of North Liberty, Iowa. (Ord. 87 §3.2(b), 1974).

16.08.050 Clerk. "Clerk" means the city clerk of the city of North Liberty, Iowa. (Ord. 87 §3.2(c), 1974).

16.08.060 Collector street. "Collector street" means a street intended to carry traffic from residential streets to arterial streets. (Ord. 87 §3.2(i)(2), 1974).

16.08.070 Commission. "Commission" means the planning and zoning commission of the city of North Liberty, Iowa. (Ord. 87 §3.2(d), 1974).

16.08.080 Council. "Council" means the city council of the city of North Liberty, Iowa. (Ord. 87 §3.2(e), 1974).

16.08.090 Cul-de-sac. "Cul-de-sac" means a local street closed at one end with a turn around. (Ord. 87 §3.2(f), 1974).

16.08.100 Local street. "Local street" means a street which provides for direct access to abutting property and for the movement of local traffic. These may serve residential, commercial, industrial, or institutional areas. (Ord. 87 §3.2(i)(3), 1974).

16.08.110 Loop street. "Loop street" means a local street which has two intersections with another street; in so doing, has an a lignment roughly in the shape of a "U," may have lots on either side, and has no other street intersection except at the ends of the "U." (Ord. 87 §3.2(g), 1974).

16.08.120 Separate tract. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership on the effective date of the ordinance codified in this chapter. (Ord. 87 §3.2(h), 1974).

16.08.130 Shall. "Shall" is mandatory and not directory. (Ord. 87 §3,2(part), 1974).

16.08.140 Street. "Street" means a right-of-way dedicated to and accepted for the public use, which affords the principal means of access to abutting property. (Ord. 87 §3.2(i)(part), 1974).

16.08.150 Subdivision. "Subdivision" means the division of a separate tract of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. (Ord. 87 §3.2(j), 1974).

16.08.160 Turnaround. "Turnaround" means a radial, circular, or loop drive at the termination end of a cul-de-sac permitting a vehicle to reverse its direction while continuing its forward movement. (Ord. 87 §3.2(k), 1974).

Chapter 16.12 Design Standards

Sections:

16.12.010 Improvements--Specifications.
16.12.020 Improvements--Inspection--Cost.

- 16.12.030 Street, right-of-way and pavement widths.
- 16.12.040 Street grades.
- 16.12.050 Intersections.
- 16.12.060 Arterial and collector streets.
- 16.12.070 Lots.
- 16.12.080 Miscellaneous standards.
- 16.12.090 Water system.
- 16.12.110 Sewer system.
- 16.12.120 Storm drain system.
- 16.12.130 Utilities.
- 16.12.140 Underground public utility facilities.

16.12.010 Improvements--Specifications. The type of construction, the materials, methods and standards of subdivision improvements shall be equal to the current specifications of the city for like work. Plans and specifications shall be submitted to the city council for approval prior to construction, and construction shall not be started until the plans and specifications have been approved. (Ord. 87 §5.7, 1974).

16.12.020 Improvements--Inspection--Cost. The city engineer shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this chapter. The cost of the inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the city. (Ord. 87 §5.8, 1974).

16.12.030 Street, right-of-way and pavement widths.

- A. All street widths shall be measured from back to back of the curbs.
- B. Right-of-way widths shall be provided as follows:
 - 1. Arterial streets, eighty feet;
 - 2. Collector streets, sixty-six feet;
 - 3. Local streets, sixty feet;
 - 4. Cul-de-sac, one hundred feet;
 - 5. Cul-de-sac entry streets, fifty feet;
 - 6. Alleys, twenty feet.
- C. Pavement widths shall be provided as follows:
 - 1. Arterial streets, forty-five feet;
 - 2. Collector streets, thirty-six feet;
 - 3. Local streets, twenty-nine feet;
 - 4. Cul-de-sacs shall be paved with a twenty-nine foot- wide paving, and the outer edge of the cul-de-sac bulb shall be fifteen feet inside the circumference of the right-of-way. There will be no islands within the cul-de-sac bulb. Cul-de-sacs shall not exceed nine hundred feet in length. A cul-de-sac shall be measured from the centerline of the street from which it commences to the center of the turnaround;
 - 5. Alleys, sixteen feet;
 - 6. Sidewalks, four feet minimum;
 - 7. Industrial streets, twenty-nine feet;
 - 8. Commercial or industrial alley, twenty feet. (Ord. 95-2 §2, 1995).

16.12.040 Street grades. No street grade shall be less than one-half of one percent and shall not exceed the following limits:

- A. Arterial streets, eight percent;
- B. Collector streets, ten percent;
- C. Residential streets, twelve percent;
- D. Industrial streets, ten percent. (Ord. 78-11 §13--16, 1978; Ord. 87 §5.1(c), 1974).

16.12.050 Intersections.

- A. Intersections of more than two streets at a point shall not be permitted.
- B. Intersections of street centerlines shall be between eighty degrees and one hundred degrees. (Ord. 87 §5.1(d)(1, 3), 1974).

16.12.060 Arterial and collector streets.

- A. New subdivisions shall make provisions for continuation and extension of arterial and collector streets.
- B. Arterial and collector streets in a subdivision shall extend through to the boundaries thereof.
- C. In the event arterial or collector streets are required, the city shall pay for the excess of pavement required over that required for a twenty-nine-foot local street. This excess shall be considered a strip in the center of the pavement. The cost of this shall be calculated by the city engineer's office. (Ord. 87 §5.1(a),(d)(11, 12), 1974).

16.12.070 Lots.

- A. Corner lots which abut on an arterial or collector street shall have a minimum radius of fifteen feet at the intersection.
- B. Lots with double frontage on front and rear shall be avoided, except in specific locations where good platting indicates their use.
- C. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better street and lot layout. (Ord. 87 §5.1(d)(8, 9, 10), 1974).

16.12.080 Miscellaneous standards.

- A. Jogs of less than one hundred twenty-five feet shall be avoided.
- B. No dead-end streets and alleys will be permitted except at subdivisions boundaries on undeveloped areas.
- C. The length of blocks shall be not less than four hundred feet and not more than two thousand feet. The width of the block shall be sufficient to permit two tiers of lots, but in no case shall the width be less than two hundred twenty feet.
- D. Crosswalks may be required in blocks over eight hundred feet long or in areas where curved streets require excessive out distance travel. If required, they shall be constructed by the developer and dedicated to the city.
- E. Alleys shall be discouraged in residential districts, but shall be provided in commercial and industrial districts unless an alternate plan for service area is provided.
- F. A four-foot-wide concrete sidewalk shall be provided and must meet all city specifications.
- G. An iron rod not less than five-eighths inch in diameter and thirty inches in length shall be placed as follows: on all corners and angle points on property lines.
- H. The subdivider shall, as part of his duty to dispose of the stormwater, reconnect any and all field drainage tile that the subdivider encounters in placing improvements in the subdivision. In no event shall the subdivider create undue hardships on the adjoining property owners by blocking said tile, but instead shall have a duty to continue the proper drainage of the underground water. (Ord. 79-6 §2, 1979; Ord. 87 §5.1(d)(2, 4--7), 5.5, and 5.6, 1974).

16.12.090 Water system. The subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves and all other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide for a water connection for each lot, and shall be connected to the municipal water system when installed and when it meets all city specifications. (Ord. 87 §5.4, 1974).

16.12.100 Sewer system. The subdivider shall provide the subdivision with a complete sanitary sewer system including stubs for each lot which shall connect with a sanitary sewer outlet approved by the city engineer. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension

of the sewers by adjacent property. In the event the city requires a sewer system which is greater than is needed to service the subdivision itself, the city shall pay on a prorata basis for the excess cost over that which is necessary to service the subdivision itself . Other subdivisions which connect with the systems shall on a prorata basis reimburse the city for the cost of the additional system, which shall service that subdivision and meet all city specifications. (Ord. 87 §5.2, 1974).

16.12.110 Storm drain system.

- A. The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
- B. It is not intended that the city pay for the excess cost when the subdivider is required under Iowa Civil Law Rule to take care of the natural drainage as between adjoining lands, as this will still be a requirement of the subdivider to make sure that the subdivision properly takes care of all drainage water, at no cost to the city. (Ord. 78-1 §2, 1978; Ord. 77-41 §2 , 1977; Ord. 87 §5.3, 1974).

16.12.120 Utilities.

- A. The subdivider shall provide installation of electric distribution lines, street gas mains, telephone lines and other facilities in any new subdivision as are needed, before final approval shall be given to the final plat. The subdivider shall be responsible for making the necessary monetary arrangements to provide for such utilities as are needed and, in addition, shall provide for underground facilities in residential subdivisions and commercial subdivisions with each utility company. In providing for said utility transmission lines, the subdivider shall make sure that adequate connections are provided to each subdivision lot of utilities as needed.
- B. The subdivider shall also submit the proposed street lighting placements for city council approval. Upon receiving the submission, along with the final plat and construction plans, the city council shall cause the same to be reviewed by the city engineer. The city engineer shall determine the appropriate location for the street lights in the subdivision. In all new subdivisions, decorative street lights shall be selected by the subdivider, from an approved list provided by the city. All costs in connection with the furnishing of street lighting placements, the decorative poles, light fixtures and related parts, in new subdivisions, shall be the responsibility of the subdivider.
- C. The subdivider shall provide all necessary easements in the subdivision for placement of all utilities including street lights, and will submit to the city at the time the final subdivider's agreement is presented, all proposed easements for use in the subdivision.
- D. As a condition of the approval of the final plat by the city, the preliminary and final subdivision plat shall be presented to the designated representatives of the utility companies serving this subdivision area for the purpose of review and concurrence that sufficient easements have been obtained and shown on the final plat to accommodate placement of their particular utility service lines.
- E. All proposed utility line locations in public rights-of-way or municipal easement shall be reviewed by the city for the purpose of avoiding location, topographic, or other conflicts. In no case shall the permanent utility lines or appurtenances be constructed prior to authorization and approval of the final plat by the city. (Ord. 90-17 §2, 1990; Ord. 78-12 §2, 1978).

16.12.130 Underground public utility facilities.

- A. It is required that in all new residential and commercial subdivisions all on-site utility lines, including but not limited to electric, communications, street lighting, and gas lines shall be installed underground except as hereinafter provided. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above ground.
- B. Underground facilities need not be installed in the following instances:
 - 1. Any increase of service size including single phase to three-phase conversion;

2. For any new service when utility poles exist along abutting property lines which are not separated by any alley or public right-of-way and no additional utility poles are required;
3. Installation, of new or replacement feeder lines or transmission lines located within the city's subdivision jurisdiction. (Ord. 78-12 §3, 1978).

Chapter 16.13 Buffer Yards

Sections :

- 16.13.010 Definition and purpose.
- 16.13.020 Location.
- 16.13.030 Determination of size.
- 16.13.040 Responsibility.
- 16.13.050 Screening.
- 16.13.060 Landscaping design standards.
- 16.13.070 Material.
- 16.13.080 Use of buffer yards.
- 16.13.090 Ownership.
- 16.13.100 Excessive buffer yard.
- 16.13.110 Waiver.

16.13.010 Definition and purpose. "Buffer yard" means a yard or portion of a yard along with required plantings, berming, landscaping, or fencing which provides both a physical separation and screening between potentially incompatible land uses or between a land use and a public road. Buffer yards shall be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions. (Ord. 92-2 §1(part), 1992) .

16.13.020 Location. Buffer yards will be required to meet the following location requirements:

- A. Where any business or industrial use (i.e., structure, parking or storage) abuts property zoned for residential use or is currently used for residential purposes, that business or industry shall provide a buffer yard along the boundary of the property. Screening shall also be provided where a business or industrial use and a residential zone or use is separated by a public street, except when the side of the business or industrial use considered to be the front faces the residential zone or use and is separated by the public street;
- B. A buffer yard is required, as determined by the city council, where a residential subdivision abuts an expressway or arterial street;
- C. Buffer yards shall be located on the outer perimeter of a lot or parcel of property, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way without specific written permission and agreement by the city. (Ord. 92-2 §1(part), 1992).

16.13.030 Determination of size. The type and width of buffer yard required between two adjacent parcels or between a parcel and a street is determined by the use or proposed use of all adjoining land, the zoning district or districts in which the property is located and the zoning districts adjoining the subject property.

- A. R-1, R-1A, R-2A, R-3, R-3A and R-MH Districts. Residential subdivision abutting an expressway or arterial street will be required to provide a buffer yard twenty feet in width.

- B. M-1 and M-1A Districts. Industrial uses abutting a residential zoning district or residential use will be required to provide a buffer yard fifty feet in width. This buffer yard width may be reduced to not less than thirty feet in those cases where major intensification of plant materials provide a complete visual screen of the industrial site or the use does not create a nuisance or severe adverse impact on the adjoining property and such alternative buffer yard width is determined to provide an adequate buffer between the two uses by the city council. Where the industrial use abuts a public street, a buffer yard fifteen feet in width shall be required. (Ord. 92-2 §1(part), 1992).

16.13.040 Responsibility.

- A. When a use is first to develop of two adjacent parcels of property, the developer of the first use shall provide a buffer as required by this chapter. The second use to develop shall, at the time of development, provide all additional buffer yards necessary to provide the total buffer yard required between the two adjacent uses.
- B. Existing plant material and/or land located on the first developed property which meets the requirements of this chapter may be included as contributing to the total buffer yard required between it and the adjacent land use.
- C. Except for land uses existing prior to the date of the ordinance codified in this chapter which would require a buffer yard, the owner or developer of the more intense land use or zoning district will be responsible for providing the prescribed buffer yard.
- D. In areas where land uses exist, the provision of the buffer yard will be the responsibility of the party installing or constructing the new development.
- E. The buffer yard property owner will be responsible for the construction, maintenance and upkeep of the buffer yard.
- F. This chapter is not applicable to either developed industrial or residential properties that abut one another prior to the date of the ordinance codified in this chapter. (Ord. 92-2 §1(part), 1992).

16.13.050 Screening. Adequate screening levels and type of screening shall be determined by the city council and shall take into consideration the context of the site with regards to changes in level, and views from the adjacent property. All fencing and screening specifically required by this chapter shall consist of a fence and/or a green belt planting strip complying with the following minimum standards:

- A. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six feet. Earth mounding of berms may be used but shall not be used to achieve more than four feet of the required screen unless approved by the city council. The planting plan and type of plantings shall require the approval of the city council.
- B. A required screening fence shall be constructed of masonry, brick, wood, or metal. Such fence shall provide a solid screening effect six feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the city council. Fences in excess of six feet in height shall require approval of the city council.
- C. Buffer yard screening through the use of a fence only, shall not be allowed without the express written approval by the city. (Ord. 92-2 §1(part), 1992).

16.13.060 Landscaping design standards. Prior to approval of a final plat, a landscape plan is required for all buffer areas. The landscape plan must be prepared by a registered landscape architect. The plan must show the planting type, size, quantity, location, planting specifications and grading.

A. All plants must at least equal the following minimum sizes, unless a buffer agreement approved by city council allows for plants of smaller size. Larger plant materials may be required when determined that they are necessary for more immediate screening.

	Potted/Bare Root or Balled and Burlapped
Shade trees*	2 inch diameter
Half trees (Flowering Crab, Russian Olive, Hawthorn, etc .)	1-1/2 inch diameter
Evergreen trees	3 - 4 feet
Tall shrubs and hedge material (evergreen or deciduous)	3 - 4 feet
Low shrubs - deciduous - evergreen - spreading evergreens	24 - 30 inches 24 - 30 inches 18 - 24 inches

*Type and mode are dependent upon time of planting season, availability and site conditions (soils, climate, groundwater, irrigation, grading, etc.)

B. Spacing.

1. Plant material centers shall not be located closer than three feet from the fence line or property line, unless approved by city staff, and shall not be planted to conflict with public plantings based on the judgment of the city staff.
2. Where plant materials are planted in two or more rows, plantings shall be staggered in rows unless otherwise provided subject to the approval by city staff.

C. All portions of the buffer yard not occupied by plantings or fencing shall be seeded or sodded with grass or ornamental groundcover, subject to the approval by city staff .

D. Any existing plant material or site topography which otherwise satisfies the landscaping standards may be used to satisfy the conditions of this chapter.

E. Procedures and specifications for the installation of all plant materials shall be provided within the landscape plan and subject to approval by city staff.

F. Turf slopes of all berms shall not exceed a 3:1 ratio.

G. The landscape plan should illustrate exterior water spigot or irrigation system to insure landscape maintenance, or a plan approved by the city that will provide the adequate watering of the landscape.

H. Landscape Guarantee. All new plants shall be guaranteed for two full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced. Developer or assign shall make guarantee.

I. It is the intent of this chapter that adequate screening shall be maintained in perpetuity. The screening requirements of this chapter shall be complied with in all required buffer yards unless otherwise approved by the city council.

J. At street intersections, on corner lots in all districts, no structure, fence or planting material in excess of three feet in height above the street grade shall be permitted within a triangular area composed on

two of its sides twenty-five feet in length and measured along the right-of-way lines from the point of intersection of the right-of-way lines. (Ord. 92-2 §1(part), 1992).

16.13.070 Material.

- A. All buffer yard materials shall be seeded or sodded with lawn unless ground cover is already established. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- B. The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:
 - 1. Evergreen or conifer plant material shall be planted in clusters rather than singly so as to maximize the chances of the plant's survival;
 - 2. Berms with masonry walls or intended to buffer more significant nuisances from adjacent uses and to break up and absorb noise, which is achieved by the varied heights of plant material between the masonry wall and the noise source. When berms with masonry walls are required, the wall shall be closer than the berm to the higher intensity use;
 - 3. In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation. (Ord. 92-2 §1(part), 1992).

16.13.080 Use of buffer yards.

- A. A buffer yard may be used for passive recreation. It may contain pedestrian and bike trails, provided that no plant material is eliminated, the total width of the buffer yard is maintained, and all other regulations and specifications of this chapter are met.
- B. In no event shall ice skating rinks, play fields, ski hills, stables, swimming pools or tennis courts be permitted to be placed or constructed in required buffer yards. (Ord. 92-2 §1(part), 1992).

16.13.090 Ownership. Buffer yards remain in the ownership of the original developer of the land use for which the buffer was necessary or its assigns. A buffer yard may be transferred to any consenting grantee, such as adjoining landowners, a park or a conservation group, provided that any such conveyance adequately guarantees the protection, maintenance and preservation of the buffer yard for the purposes of this chapter. (Ord. 92-2 §1(part), 1992).

16.13.100 Excessive buffer yard.

- A. Where the property between a land use and a vacant land turns out to be less than the buffer yard required under this chapter, the developer may petition the city council to reduce the required buffer area.
- B. When a land use is proposed that is adjacent to vacant property, and the owner of the vacant land enters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be permitted to be constructed, provided that:
 - 1. The contract contains a statement by the owner of the vacant land of an agreement or covenant to develop at no greater than a specified land use intensity; and
 - 2. The land owner agrees to assume all responsibility for constructing an additional buffer, if needed by subsequent development of a more intensive use that has been agreed upon originally. (Ord. 92-2 §1(part), 1992).

16.13.110 Waiver. When the buffer yard required by this chapter creates a demonstrable and unnecessary hardship on the property owner or developer of the property where the buffer yard is intended to be located, so that the requirement of the buffer yard amounts to a denial of all beneficial use of the property or prevents the property from being able to yield a reasonable return as a result of the buffer requirement, the affected developer or owner may petition the city council to waive any or all requirements under this chapter. (Ord. 92-2 §1(part), 1992).

Chapter 16.15 Subdivision Plats – General

Sections:

16.15.010 Planning Conference

16.15.020 "Good Neighbor" Meeting

16.15.030 Plat Schedule

16.15.010 Planning Conference. The applicant shall request a planning conference in advance of the preliminary plat preparation in order to discuss the proposed subdivision and to obtain information as to the requirements necessary for approval of the plat. The purpose of the planning conference is informational only, and no approval can be given nor can any requirements of this chapter be waived. Participants in the planning conference, in addition to the applicant and applicant's representatives, may be: the City Administrator, the City Planner, the City Engineer, the City Attorney, the Code Official, and one (1) member of the Commission, designated by the Chairperson of said Commission, and any other official of government deemed to have an interest in the layout or facilities to be furnished the subdivision. The applicant may wish to prepare for such a conference some or all of the following materials, which may later be used in preparing a preliminary plat:

1. A legal description of the parcel to be subdivided, if available.
2. A layperson's description identifying the location of the parcel.
3. A vicinity and contour map of the parcel showing nearby street patterns, property lines and other significant features which will have a bearing upon the subdivision; contour intervals suitable for determining general street and utility requirements; and existing substantial buildings and any other features that will have a bearing upon the design or the subdivision or the provision of utilities.
4. A concept plan of the proposed layouts of streets, blocks and drainage courses. This concept plan may be drawn upon the contour map and should indicate the scale and north point, the proposed name of the subdivision, the words "preliminary sketch," and the name, address and telephone number of the applicant and of the engineer, landscape architect or surveyor.

16.15.020 "Good Neighbor" Meeting. After the planning conference but before a preliminary plat is submitted to the City, the applicant shall hold a "Good Neighbor" meeting when land is being proposed to be subdivided for development purposes.

- A. The applicant will be required to file an application with the City Administrator or designee scheduling a meeting for the developer or applicant to show the proposed subdivision request to adjacent property owners, citizens, and other interested persons. The meeting will be moderated by the City Administrator or designee and scheduled prior to submission of the initial preliminary plat and no less than 30 days prior to the first meeting held by the Planning and Zoning Commission to hear a subdivision request.
- B. The City, at the applicant's expense, shall send out by regular mail an announcement to the property owners that are within 200 feet of the boundaries of the property proposed to be subdivided that a meeting, including the time, date and location, will be held to discuss the subdivision proposal, no later than fourteen days prior to the meeting. The City shall cause to be published a notice of the meeting, at the applicant's expense, and also post notice of the meeting on its website, both of which shall be done at least seven days prior to the meeting. The Planning and Zoning Commission, Mayor and City Council will be notified that a meeting will be held to discuss the proposed subdivision request at least seven days prior to the meeting. These required mailing and notices shall include a plain language description of the location and boundaries of the subject property.
- C. The purpose of the meeting is to allow the abutting residents to express various points of view in regards to the subdivision request.
- D. The meeting shall be held prior to any City Staff action on the subdivision application, other than the planning conference.

- E. In the event that a proposed subdivision is dependent upon the property first being rezoned, the requirements of this section shall be fulfilled by the applicant and the meeting scheduled no less than 30 days prior to the first meeting held by the Planning and Zoning Commission to consider the rezoning request. In this event, the meeting shall include a presentation on both the proposed rezoning and subdivision requests.

16.15.030 Plat Schedule. Unless otherwise provided by this chapter, preliminary and final plats shall be reviewed and processed by the City in accordance with the following schedule:

Action	Date
Original plat and plans submitted by applicant	First day of month
City Administrator, Planner, Engineer and Attorney review and issue report	14 th of month
Revisions and resubmittals by applicant based on report	21 st of month
City Administrator, Planner, Engineer and Attorney make final review of corrected documents and issue report	Last Thursday of month
Planning and Zoning Commission meeting	First Tuesday of next month

Chapter 16.16 Preliminary Plats

Sections:

- 16.16.010 Application--Contents--Fees.
- 16.16.020 Application--Procedure.
- 16.16.030 Application--Approval.

16.16.010 Application--Contents--Fees. Whenever the owner of any tract or parcel of land within the corporate limits of the city or within two miles thereof wishes to make a subdivision of the same, the owner shall submit to the clerk sixteen copies of a preliminary plat application. The application shall include the following:

- A. Location Map. The application shall include a location map showing:
 1. The subdivision name;
 2. The outline of the area to be subdivided;
 3. The existing streets and city utilities on
 4. Adjoining property;
 5. North point, scale and date.
- B. Preliminary Plat Contents. The application shall include a preliminary plat of the subdivision drawn to a scale of one inch to one hundred feet minimum, and shall show :
 1. Legal description, acreage, name of proposed subdivision and date;
 2. Name and address of owner;
 3. Names of the persons preparing the plat, owner's attorney, representative or agent, if any;
 4. North point and graphic scale;
 5. Contours at two-foot intervals, or less;
 6. Locations of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings in the proposed subdivision;
 7. Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;
 8. Location and widths, other dimensions and names of proposed streets, alleys, utility and other easements, parks and other open spaces or reserved areas;
 9. Grades of proposed streets and alleys;

10. A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving and sidewalks to be installed;
11. The layout of proposed water mains and sanitary sewers;
12. The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures.

C. Costs and Fees.

1. The filing of the preliminary plat of a subdivision shall be accompanied by an application fee in the amount of thirty dollars for each lot designated on the plat up to thirty lots and fifteen dollars per lot for each lot in excess of thirty lots. In no event shall the application fee be less than one hundred fifty dollars.
2. In the case of a county subdivision within two miles of the corporate city limits of North Liberty, the application fee for a preliminary plat shall be the same as in subsection (C)(1) of this section; however, the application fee for such a preliminary plat shall not exceed one hundred fifty dollars.
3. The applicant shall also be responsible for payment of the actual costs of the city engineer's review or additional engineering reviews necessitated by the submission of an incomplete plat or plat that fails to meet the minimum requirements for plats set by city ordinance or written city policy adopted by the city council. The above-referenced costs and fees shall be paid by the applicant within thirty days of receipt of the costs by the applicant. Failure to pay these costs and fees when assessed to the applicant may be cause for denial of the plat or subdivision or any further plats or subdivisions submitted by the applicant. (Ord. 93-23 §2, 1993).

16.16.020 Application--Procedure.

- A. Immediately upon the filing of the preliminary plat application as set out in Section 16.16.010, the clerk shall submit one copy to the city administrator, one copy to the city planner, one copy to the city attorney, two copies to the city engineer, one copy to the fire chief, six copies to the mayor and city council, and seven copies to the planning and zoning commission. The application shall be set for hearing in accordance with Section 16.15.030.
- B. The city administrator, city planner, city attorney and city engineer shall examine the reports and assure compliance with the requirements of this title and shall file their written report, with recommendations to the planning and zoning commission, by filing the same with the city clerk.
- C. The city clerk is directed not to submit any application to the planning and zoning commission, unless the application is timely filed in accordance with Section 16.15.030. The planning and zoning commission may, upon good cause being shown, waive this requirement. Any waiver shall be allowed only upon the majority vote of all members the commission, and the record shall state the reasons for the waiver.
- D. The city clerk is directed not to submit any application to the planning and zoning commission, unless the same has been on file at least twenty days prior to the next scheduled meeting. The planning and zoning commission may, upon good cause being shown, waive this requirement. Any waiver shall be allowed only upon the majority vote of all members of the commission, and the record shall state the reasons for the waiver.
- E. The city council shall, upon receiving the recommendation of the commission, or if a thirty-day period has expired without an extension being granted to the applicant, consider to recommend approval or disapproval of the application; provided, however, the city council shall not take action on the proposed application for a period of at least seven days after the planning and zoning commission has taken its action. The city council shall have thirty days after the application is presented to it to take action to either approve or disapprove the application, which action must be taken by resolution, as provided for by the Code of Iowa. The city council may, upon good cause shown, defer the matter for a period of thirty days If the applicant or the council request the continuance. (Ord. 86-18 §2, 1986).

16.16.030 Application--Approval. The approval of the preliminary application by the City Council does not constitute approval of the subdivision, but it is merely an authorization to proceed with the preparation of the final plat. In the event the preliminary application is approved and the final plat submitted does not substantially deviate from the preliminary application, and inspection by the city reveals that all plans and specifications for the construction of improvements as required by the city have been met, the final plat must be approved unless both the city and the owner waive this requirement in writing. Approval of the preliminary application shall be effective for a period of thirty-six months, unless:

- A. Upon written request of the subdivider, the City Council by resolution grants an 18 month extension of time. Extension criteria may include, but are not limited to: considerations related to changes in surrounding properties, changes in infrastructure needs, changes in code requirements, or other factors related to whether the subdivision as approved remains appropriate and in the best interests of the city.
- B. Final plat(s) of all or parts of the preliminary plat are recorded prior to the expiration of the preliminary plat. Any time a final plat is recorded, the preliminary plat approval shall be automatically extended for a new period of 18 months from the date Council approved the recorded final plat.

If extensions are not approved or final plats recorded as specified above, all previous actions of the City Council with respect to the application shall be deemed null and void. (Ord. 08-09).

Chapter 16.20 Final Plats

Sections:

16.20.010 Specifications.

16.20.020 Contents.

16.20.030 Application for final plat.

16.20.010 Specifications. The final plat shall meet the following specifications:

- A. It may include all or only part of the preliminary plat.
- B. The scale shall be drawn to the minimum scale of one inch to one hundred feet.
- C. A transparent reproducible copy and seven prints of the final plat shall be submitted showing the following basic information:
 - 1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in ten thousand feet;
 - 2. Accurate references to known permanent monuments, giving the bearing and distance from some corner of a lot or block in the subdivision to some corner of the congressional division of which the city or the addition thereto is a part;
 - 3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
 - 4. An accurate legal description of the boundary;
 - 5. Street names;
 - 6. Complete curve notes for all curves included in the plan;
 - 7. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley and lot lines;
 - 8. Lot numbers and dimensions;
 - 9. Block numbers, if used, and house numbers;
 - 10. Accurate dimensions for any property to be dedicated or reserved for public, semipublic or community use;
 - 11. Location, type, material and size of all markers;
 - 12. Names and addresses of the owner and subdivider;

13. North point, scale and date;
14. Certification by a registered land surveyor of public property. (Ord. 78-11 §6, 7, 1978; Ord. 87 §4.4(a)(b)(c), 1974).

16.20.020 Contents.

- A. The final plat shall also be accompanied by the following instruments:
1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body.
 2. A statement from the mortgage holders or lien holders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12, Iowa Code, may be recorded, in lieu of a consent of the mortgage or lien holder. When a mortgage or lien holder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.
 3. An opinion by an attorney at law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens and other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purposes of this section.
 4. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by a bond in compliance with Section 354.12, Code of Iowa.
 5. A petition signed by the owner and spouse petitioning the city council to pave any streets abutting the subdivisions, which petition waives notice of time and place of hearing and waives statutory protections and limitations as to costs and assessments.
 6. Any of the following shall be filed with the city before building permits will be issued for the subdivision:
 - a. A certificate bearing the approval of the city engineer stating that all improvements and installations in the subdivision required by this title have been made or installed in accordance with the city specifications, or that all improvements and installations in the subdivision required by this title have been made or installed in accordance with the city specifications, with the exception of sidewalks, and that the owner has executed an agreement as a covenant running with the land that the sidewalks shall be installed within one year of the date of final approval of the subdivision, and in the event that installation has not been made, that the owner waives all statutory requirements of notice of time and place and hearing, and waives statutory protections and limitations as to cost and assessment and agrees that the city may install the sidewalks and assess the costs thereof against the real estate; or
 - b. A certificate bearing the approval of the city engineer stating that the improvements and installations in the subdivision have not been installed in accordance with the city specifications, and that preliminary plans for the construction of the improvements have been submitted, and that the owner has executed an agreement as a covenant running with the land that no building permit shall be issued for any lot of the subdivision until the improvements, with the exception of sidewalks, shall be constructed for the lot, or the owner shall have deposited in escrow with the city clerk an amount equal to the costs of improvements, plus ten percent thereof for the lot; or
 - c. A surety bond filed with the city clerk which will ensure the city that the improvements will be completed by the subdivider or property owner within two years after official acceptance

of the plat. The form and type of bond shall be approved by the city attorney, and the amount of bond shall not be less than the amount of the estimated costs of improvements, plus ten percent, and the amount of the estimate must be approved by the city council. If the improvements are not complete within the specified time, the council may use the bond or any necessary portion thereof to complete the improvements, or, if the options provided in subdivisions (6) (a) or (6) (b) of this subsection are chosen, the final plat shall state that the developer, its grantees, assignees and successors in interest agree that public services, including but not limited to street maintenance, snow and ice removal, rubbish, refuse and garbage collection will not be extended to the subdivision until the pavement is completed and accepted by the city.

- B. The above alternatives shall be exclusive, and no subdivision shall be approved unless one of the foregoing alternatives has been approved. No subdivision shall be approved in which the developer proposes to request that the city construct the improvements, pursuant to a special assessment program, except for the provisions of subsection (A) (5) of this section, as streets abutting the subdivision which may be done by assessment method.
- C. The applicant for approval of a subdivision shall submit sixteen copies of the final plat and all documents as required by the city. (Ord. 96-12 §1, 1996).

16.20.030 Application for final plat. Whenever the owner of any tract or parcel of land within the corporate limits of the city or within two miles thereof submits a final plat in compliance with the provisions of this chapter, the application shall also include the following:

- A. Upon the filing of the final plat in compliance with Section 16.20.010, the city clerk shall submit one copy of the final plat and document to the city administrator, one copy to the city planner, one copy to the city attorney, two copies to the city engineer, one copy to the school board, one copy to the fire chief, seven copies to the planning and zoning commission, and six copies to the mayor and city council. The application shall be set for hearing in accordance with Section 16.15.030.
- B. The city administrator, city planner, city attorney and city engineer shall examine the reports and assure compliance with the requirements of this title and shall submit a written report, with recommendations, to the planning and zoning commission, by delivering the same to the city clerk.
- C. The city clerk is directed not to submit any application to the planning and zoning commission unless the application is timely filed in accordance with Section 16.15.030. The planning and zoning commission may, upon good cause being shown, waive this requirement. Any waiver shall be allowed only upon the two-thirds vote of all members of the commission, and the record shall state the reasons for the waiver.
- D. The planning and zoning commission shall study the application, location map and site plan and shall review the recommendations of the city attorney and city engineer and shall make recommendation to the city council regarding the approval or disapproval of the application. The commission shall make its recommendation to the city council within sixty days after the final plat has been filed with the city clerk, unless an extension of time has been approved by a majority of the commission members. Extensions of time may be permitted in order to finalize and bring the final plat into compliance with this chapter and the recommendations of the commission.
- E. The city clerk is directed not to submit any application to the planning and zoning commission unless the same has been on file at least twenty days prior to the next regularly scheduled meeting. The planning and zoning commission may, upon good cause being shown, waive this requirement. Any waiver shall be allowed only upon the two-thirds vote of all members of the commission, and the record shall state the reasons for the waiver.
- F. The city council shall, within sixty days after receiving the recommendation of the planning and zoning commission, and upon presentation of the application to the city council, take action to either approve or disapprove the application. Council action to approve or disapprove the application shall be taken by resolution as provided for by the Code of Iowa. The council may, upon good cause

shown, defer the matter for a period not to exceed thirty days if the council deems it necessary for a full consideration of the application.

- G.1. The filing of the final plat of a subdivision shall be accompanied by an application fee in the amount of twenty dollars per lot for each lot in the subdivision. In no event shall the application fee be less than one hundred fifty dollars.
- G.2. In the case of a county subdivision proposed within two miles of the corporate city limits of North Liberty, the application fee for a final plat shall be the same as in subsection (G) (1) of this section; however, the application fee for such a final plat shall not exceed one hundred fifty dollars.
- G.3. The applicant shall be responsible for the actual costs associated with any subsequent engineering review costs necessitated by the submission of an incomplete plat or plat not in compliance with the final plat requirements set by city ordinance or written policy formally adopted by the city council. The applicant shall be responsible for all necessary engineering costs associated with the review of construction plans, drainage plans, grading plans or other similar plans related to the subdivision. (Ord. 93-24 52, 1993).

Chapter 16.24 Building Permits

Sections :

- 16.24.010 Requirements.
- 16.24.020 Separate tracts.

16.24.010 Requirements.

- A. No building permit shall be issued for any lot in a subdivision that has received final approval under the provisions of Chapter 16.20, Final Plats, wherein the improvements, with the exception of sidewalks, have not been installed and there is on record an agreement between the developer and the city that no permit shall be issued without compliance with the improvements required under this title.
- B. As a condition of the issuance of building permits, sidewalks will be required to be constructed in every subdivision within the city within one year after the construction of a building on said premises or within five years following the approval of the final plat for the subdivision if construction has occurred on more than fifty percent of the lots within the subdivision. This requirement may be extended by approval of the city council upon written application for extension by the property owner(s) and good cause shown. The application must be filed with the city clerk prior to the expiration of the construction time limits set forth above. Said sidewalk shall be constructed according to the requirements and specifications of this code. (Ord. 95-9 §1, 1995).

16.24.020 Separate tracts. No more than two building permits for each separate tract existing at the time of the effective date of the ordinance codified in this title shall be issued unless the tract has been platted in accordance with the regulations of this title except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions already existing on the tract. (Ord. 87 §7.2, 1974).

Chapter 16.28 Exceptions

Sections :

- 16.28.010 Requirements--Variance, modification or waiver.

- 16.28.020 Approval--Unusual plats.
- 16.28.030 Approval--By city council.
- 16.28.040 Combination plats--Fees.

16.28.010 Requirements--Variance, modification or waiver. Where in the case of a particular proposed subdivision or plat thereof, it can be shown that strict compliance with the requirements of Chapter 16.12 would result in extraordinary hardship to the subdivider because of unusual topography, excessive costs, or other such non-self-inflicted conditions, or that these conditions would result in prohibiting the achievement of the objectives of these regulations, the planning commission may vary, modify, or waive general requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this title. The commission may waive the requirement of the filing of a preliminary plat to allow the submission by the owner of a final plat for the approval of the commission and city council, provided, that the final plat shall contain all the requirements of both a preliminary application and final plat. (Ord. 87 §6.1, 1974).

16.28.020 Approval--Unusual plats. This title shall not preclude the approval of "cluster" type subdivisions or subdivision designs of an unusual type, if, in the opinion of the planning and zoning commission, the general and aesthetic merit, the preservation of natural or topographic features and the prospective enhancement of the community could warrant the waiving of technical requirements as set forth in Chapter 16.12. (Ord. 87 §6.2, 1974).

16.28.030 Approval--By city council. In all cases of a variance, modification, or waiver of the general requirements, it will be necessary to have the city council approve the same and note this fact in the resolution approving the plat and subdivision. The council may also modify, vary, or waive the general requirements on its motion for good reason shown, even if the planning commission refused to do so. (Ord. 87 §6.3, 1974).

16.28.040 Combination plats--Fees.

- A. Subdivision plats-submitted to the city for approval by use of a combined preliminary and final plat. For the purposes of this title, a one lot division of property means a division of one parcel of property into three lots or less. The combined plat must comply with the platting requirements set forth in Title 16, Subdivisions, and will be reviewed and approved in the same manner as other plats submitted pursuant to Title 16. The city council may, upon written request, waive the necessity for strict compliance with the provisions set forth in Chapters 16.16 and 16.20, pursuant to Section 16.28.010, above.
- B. The filing of a combined plat shall be accompanied by an application fee of two hundred fifty dollars. The applicant shall also be responsible for the actual costs of all necessary engineering reviews of construction plans, drainage plans, grading plans or other similar plans related to the subdivision. (Ord. 93-18 §2, 1993).

Chapter 16.32 Violation and Penalty

Sections :

- 16.32.010 Designated.

16.32.010 Designated. Any person who violates any of the provisions of this title shall, upon conviction, be subject to the provisions of chapter 1.16 of this code. Each day such violation is permitted to exist shall constitute a separate offense, and shall not preclude the city from other recourse. (Ord. 87 §8.4, 1974).

Chapter 16.36 Subdivisions Outside of City Limits

Sections :

16.36.010 Subject to review, and approval.

16.36.010 Subject to review and approval. In accordance with Section 409A.09, Code of Iowa, all subdivisions located within two miles of the city's boundaries shall be subject to city review and approval. (Ord. 90-11 §1, 1990). .