

**ORDINANCE NO. 13-06**

**AN ORDINANCE AMENDING CHAPTER 180 OF THE NORTH LIBERTY CODE OF ORDINANCES BY REPEALING CURRENT CHAPTER 180 AND ADOPTING NEW CHAPTER 180**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** Chapter 180, "Subdivision Regulations," of the North Liberty Code of Ordinances (2012) is hereby amended by repealing the same and adopting in lieu thereof Chapter 180, "Subdivision Ordinance," to read as follows:

**CHAPTER 180  
SUBDIVISION ORDINANCE**

180.01	TITLE	180.08	Variations
180.02	Authority and Purpose	180.09	Definitions
180.03	Jurisdiction and Applicability	180.10	Subdivision Plat Types and General Approval Process
180.04	Establishment of Control	180.11	Subdivision Plat Preparation, Review, and Submittal Process Requirements
180.05	Penalties for Violation	180.12	Design Standards and Required Improvements
180.06	Building Permits Restricted		
180.07	Applicant Standing		

**180.01 TITLE.** This ordinance shall be known and may be referred to as the Subdivision Ordinance. Whenever the phrase "this ordinance" appears in this code chapter, it refers to this Subdivision Ordinance.

**180.02 AUTHORITY AND PURPOSE**

1. Authority. This ordinance is adopted pursuant to the authority granted the City of North Liberty under Chapter 354 of the Code of Iowa, enabling cities to regulate the development of land within their jurisdictions and to promote good planning practices.
2. Purpose. This purposes of this ordinance are to:
  - A. Serve the public health, safety, and general welfare of the City and its residents.
  - B. Encourage orderly community development consistent with the Comprehensive Plan.
  - C. Provide consistent high standards to ensure the functional arrangement and economical functioning of public improvements, open spaces, utilities, and other features of land subdivision and development.
  - D. Avoid excessive costs to the taxpayers of the City for the provision of public services and utilities by apportioning appropriate shares of those costs to new development.

**180.03 JURISDICTION AND APPLICABILITY.** This ordinance is adopted by the City to govern the subdivision and resubdivision of all lands within the corporate limits of the City. In addition, all subdivisions and resubdivisions located within 2 miles of the City's corporate boundaries shall be subject to City review and approval, as provided by Iowa Code Section 354.9, except for those areas exempt from such review pursuant to any fringe area agreements or annexation moratoriums that may be enacted with Johnson County or neighboring cities.

**180.04 ESTABLISHMENT OF CONTROL.** No owner of real property within the City of North Liberty may subdivide or plat such property into two or more lots for buildings or for any other

use, without first gaining approval as provided for in this ordinance. In addition, no individual may sell or construct buildings on any lots or parts of real property that are not subdivided as required by state law and this ordinance. These directives also apply to property within two miles of the North Liberty corporate limits, except for those areas exempt from such review pursuant to any fringe area agreements or annexation moratoriums that may be enacted with Johnson County or neighboring cities.

**180.05 PENALTIES FOR VIOLATION.** Any violation of this ordinance shall be considered a municipal infraction and subject to enforcement as provided in Chapter 3 of the North Liberty City Code.

**180.06 BUILDING PERMITS RESTRICTED.** When a plat is required by provisions of this ordinance, the City shall not issue any building permit for construction on any lot, parcel, or tract until a plat is approved and recorded.

**180.07 APPLICANT STANDING.**

1. All applicants are presumed to be in good standing with the City and therefore have a right to submit applications in accordance with the processes and standards set forth in this chapter. However, the City Administrator has the authority to place any application, including but not limited to a preliminary plat application or a final plat application, construction plans, or developer's agreement, on hold indefinitely or withdraw any permit at any stage in the respective process by providing written notice of the same to the applicant by regular mail, in the event the applicant has not fulfilled any significant obligations to the City with respect to current or previous development activities within the City. For the purposes of this section, "development activities" include activities and actions related to preliminary plats, construction plans, developer's agreements, final plats, and site plans.
2. For the purposes of this section, "applicant" means any individual, firm, corporation, association, partnership, limited liability company, or any other business entity or proprietor of land. Any individual person or business entity with a 5% interest or more in the ownership or development of any particular property, whether previously approved or currently proposed, is an "applicant" for the purpose of enforcement of this section.
3. In the event the City Administrator exercises the discretion and authority set forth in this section by placing an application on hold or withdrawing a permit, any applicant may appeal that decision to the City Council within 10 days of the date of the notice. The City Council shall hear and decide the appeal of the City Administrator's decision within 30 days after the applicant provides written notice of appeal to the City Administrator. If the City Council decides the appeal in favor of the applicant, the City Administrator shall immediately lift the administrative hold and ensure that the application is processed or the permit is reissued in accordance with the City's ordinances, processes and procedures.

**180.08 VARIATIONS.**

1. Upon recommendation of the Planning Commission or on its own motion, the City Council may vary, modify or waive requirements of this ordinance; however, no such action shall be taken by the Council unless affirmative findings are made for each of the applicable following criteria:
  - A. Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of irregularity, narrowness, shallowness, substandard or marginal size, exceptional topographical features, or other extraordinary conditions peculiar to and inherent in the subject property that relate to or arise out of the property rather than the personal situation of the current owner of the property, and that amount to more than a mere inconvenience to the owner.
  - B. Not Exclusively for Financial Gain. The purpose of the variation is not based exclusively upon a desire to increase financial gain from the property. Proof that

the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, should not in itself justify granting a variation.

- C. Unique Circumstances Not Self-Created. The unique or special condition referenced above either existed at the time of the enactment of the provisions of this ordinance that affect it, or was the result of government action, other than adoption of this ordinance, for which no compensation was paid, and which has not been created by any persons presently having an interest in the property.
  - D. Substantial Rights Denied. Carrying out the strict letter of the provisions of this ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.
  - E. Not Special Privilege. The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.
  - F. Not Detrimental. Granting the variation will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; nor will it materially impair an adequate supply of light and air to adjacent properties; substantially increase congestion in the public streets; increase the danger of flood or fire; endanger the public safety; or substantially diminish or impair property values in the vicinity.
  - G. No Other Remedy. There are no means other than the requested variation by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.
2. City Council Action. The City Council shall note approval of any variation as provided in this section in the resolution approving the final subdivision plat.

**180.09 DEFINITIONS.** The following terms and words shall be defined as follow for use with this ordinance. Terms common to engineering and surveying shall be considered to carry the professional meaning, and all other terms and words used in this ordinance shall have their normal meaning as found in the latest version of the Merriam-Webster Dictionary.

- 1. Alley: A public or private easement or right-of-way generally designed to provide a secondary access to a property. In some cases, such as for lots fronting on streets with restricted access, an alley may be used to provide the primary access.
- 2. Applicant: An owner, developer, or other party submitting an application to subdivide property pursuant to this ordinance. Although a third party may apply on behalf of an owner, the owner will ultimately be required to execute subdivision plats and all related documents.
- 3. Block: An area of land within a subdivision that is entirely bounded by rights-of-way, parks, railroads, the outside boundaries of the subdivision, or other similarly fixed land division.
- 4. Buffer Yard: A landscaped area intended to separate and at least partially obstruct visual or other sensory effects of a property or properties from other properties or uses, or from the public right-of-way.
- 5. City Engineer: A licensed professional engineer employed by the City of North Liberty to prepare engineering documents for public improvements, to review subdivision plats and construction documents submitted by developers, and to perform such other duties as may be required.
- 6. Code Official: The designee of the City of North Liberty who is responsible for the supervision, administration, and enforcement of the City's building-related codes.

7. Code of Iowa: The latest edition of the document containing the laws of the State of Iowa.
8. Comprehensive Plan: The plan or series of plans prepared to guide the development and redevelopment of the City and adopted by the City Council. The Comprehensive Plan may indicate the general recommended locations for major streets, local streets, parks, land uses, and other City features.
9. Commission: See “Planning Commission.”
10. CSR (Construction Site Runoff ) Permit: Issued by the City Building Safety Department to ensure the use of site design principles and construction techniques to prevent sediments and other pollutants from entering surface or ground water; source controls; and of treatment runoff to reduce pollution.
11. Cul-de-sac: A local street with only one outlet and with a circular turn-around at the terminus.
12. Curb: A vertical or sloping edge of a roadway, drive, or parking area, intended to define the edge of such areas, channel and control drainage, and control vehicular circulation.
13. Dedication: A grant of land or use of land to the City or another public agency for public purposes.
14. Design Standards: Standards adopted by the North Liberty City Council that set forth specific design and construction requirements for physical improvements such as sanitary sewer, water, streets, sidewalks, drives, and storm sewer.
15. Detention Basin: An artificial or natural water collection facility designed to collect surface and/or subsurface water and to retain it only long enough to control the rate of its discharge into natural drainageways. Also sometimes referred to as a “dry bottom” basin.
16. Developer’s Agreement: A recorded contract between the City and the subdivider that is associated with a final plat and sets forth the mutual responsibilities of both parties in the financing and development of the subdivision.
17. Easement: A grant by a property owner to the public, a corporation, or certain persons, for the use of a specified area of land for specified purposes.
18. Engineer: A professional engineer licensed to practice civil engineering as defined by the Code of Iowa.
19. Frontage: The length of a lot boundary line measured along a public right-of-way.
20. Improvements: Changes and additions to land necessary to prepare it for building, including street paving, grading, storm sewer and drainageways, sanitary sewers, fire hydrants, water mains, sidewalks, and other public and private works and appurtenances.
21. Lot: A tract of land that is part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a parcel of land not part of a subdivision but legally established prior to April 1, 2013.
  - A. Corner Lot: A lot abutting two or more streets at their intersections or junctions, or a lot bounded on two sides by a curving street where the angle of intersection of such street right-of-way lines, or in the case of curved right-of-way lines, the extension of tangents drawn from each of the points of intersection of the side lot lines and the street right-of-way line intersect with each other to form an interior angle of less than 135 degrees.
  - B. Double Frontage Lot: A lot having a pair of opposite lot lines along two more or less parallel public streets, and that is not a corner lot.

22. Lot Lines: Property boundaries that divide one lot from another or from rights-of-way.
  - A. Front Lot Line: The common boundary between a lot and an adjacent public or private street right-of-way.
  - B. Rear Lot Line: The lot line opposite and most distant from the front lot line.
  - C. Corner Side Lot Line: A second common boundary between a lot and a second adjacent public or private street right of way, found on a corner lot.
  - D. Double Frontage Lot Line: A second common boundary between a lot and an adjacent public or private street, that is not a corner side lot line.
  - E. Side Lot Line: Any lot line that is not a front, rear, or corner side lot line.
23. Lot Width: The distance between side lot lines measured at the rear of the required front yard on a line parallel to the front lot line.
24. Major Street Network: The system of streets adopted by the City Council that provides continuity generally between major areas within the City or across the entire City. Generally, right-of-way widths, pavement widths, and other design standards for major streets are more extensive than those of local streets.
25. MLO (Minimum Low Opening): Elevations noted on a plat for certain lots, below which no building opening will be allowed at the time of construction permitting, to protect the building from possible storm water damage.
26. NPDES (National Pollutant Discharge Elimination System) Permit: The part of the Clean Water Act that requires applicants to obtain permits for point source discharges. These permits, referred to as NPDES permits, are administered by the State of Iowa Department of Natural Resources.
27. Owner: The owner of record in the land records of Johnson County.
28. Parkway: The area within a street right-of-way located between the back of the curb and the edge of the sidewalk closest to the curb. Also referred to as “parking.”
29. Performance Bond: A surety bond for public improvements required to prepare a lot or lots for development and made out to the City in an amount equal to 110% of the full cost to assure that said improvements will be constructed in accordance with the provisions of this ordinance, City design standards, and any special conditions for approval of the plat.
30. Planning Commission: The Planning Commission of the City of North Liberty, which also may be referred to as the “Commission” or “P&Z.”
31. Plat: A map showing lot lines, rights-of-way, dimensions, and other information related to the division of land into lots and streets. The term may also be used as a verb referring to the land improvement and approval process.
32. Plat, Final: A map drawn to scale and including existing and proposed layout of streets, street names, lots, blocks, and other features as specified in this ordinance, prepared by a licensed land surveyor, and including all certificates and statements set forth in this ordinance and in the State Code for the purpose of recording as a subdivision of land.
33. Plat, Preliminary: A map drawn to scale and including existing and proposed layout of streets, street names, lots, blocks, and other features as specified in this ordinance. The preliminary plat approval process is used to develop a plan for land subdivision that meets the requirements of the City and owner, and generally includes all of the owner’s contiguous property. Upon approval of a preliminary plat and necessary construction permits, improvements may be constructed on the property to prepare it for final platting.

34. Preliminary Plat Agreement: An agreement documenting provisions related to approval of a preliminary plat and that are expected to be satisfied before or during the final plat process.
35. Public Improvements: The principal structures, works, component parts and accessories of public infrastructure.
36. Retention Basin: An artificial or natural water collection facility designed to collect surface and subsurface water, retain it as a pond, and to control the rate of its discharge into natural drainageways. Sometimes referred to as a “wet bottom” basin.
37. Right-of-way: That portion of land between property lines which is dedicated and deeded to the City to provide the area necessary for the installation of street and sidewalk surfacing, public utilities, and other public improvements.
38. SMF Agreement: Stormwater Management Facility maintenance agreement. An agreement between the City and a subdivider establishing permanent maintenance requirements for stormwater management facilities such as ponds.
39. Street, Local: A street which provides access and frontage to abutting property for the movement of local traffic. Local streets generally are not required to provide continuity across the community.
40. Streets, Major: Streets identified as “Major Streets” in the North Liberty Major Street Network or Comprehensive Plan. Major streets are generally identified as follows:
  - A. Collector Streets: Streets that connect neighborhoods with activity centers or the arterial street system.
  - B. Minor and Major Arterial Streets: Streets that collect and distribute traffic to and from major activity centers, collector streets, and expressways.
  - C. Expressways: Highways that provide a high level of mobility between cities.
41. Street, Public: A right-of-way dedicated to public use serving more than one property with vehicular access and frontage.
42. Street, Private: An easement granted over private property for public use serving more than one property with vehicular access and frontage.
43. Subdivision: A division of a lot, tract, or parcel of land into two or more lots.
44. Setback Lines: Imaginary lines as specified in the North Liberty Zoning Ordinance, defining required distances from lot boundaries to buildings, parking, or other features found within individual lots.
45. Surveyor: A registered land surveyor licensed to practice surveying as defined by the Registration Act of the State.

**180.10 SUBDIVISION PLAT TYPES AND GENERAL APPROVAL PROCESSES.** Subdivisions of land may be accomplished by several different means, as described in this section.

1. Auditor’s Plat. A survey ordered to be completed and recorded by the County Auditor to clarify boundaries and to provide an accurate legal description of parcels for taxation purposes.
  - A. Scope. An Auditor’s Plat may be used only if ordered by the County Auditor, and may not be used to create new lots or adjust lots within the City of North Liberty without that order.
  - B. Application Procedure and Review. An Auditor’s Plat is not subject to review and approval by the City of North Liberty.
2. Plat of Survey. A map document, prepared pursuant to Iowa Code, that may be utilized to combine existing legally platted parcels of land, or to adjust lot lines between adjacent

legally-platted lots; however, all resulting lots shall meet zoning ordinance bulk requirements at the time the plat of survey is prepared, and no new buildable lot may be created.

- A. Scope. A Plat of Survey may be used to adjust common lot lines between two lots if the adjustment meets the following conditions:
    - (1) The Plat of Survey does not create any additional lots or parcels;
    - (2) The Plat of Survey does not create the need for the extension of streets, utilities, or any other new public improvements;
    - (3) Each resulting lot will conform fully to all requirements of the zoning district in which the parcels of land are located, and each lot is developable in the zoning district in which it is located; and
    - (4) No new violations of this ordinance, the Zoning Ordinance, or state law would be created by the Plat of Survey.
  - B. Application and Review Procedure. A Boundary Adjustment Permit shall be prepared by a surveyor and submitted to the City Clerk for approval by the Code Official prior to submission to the County Recorder’s Office.
3. Subdivision Plat. A subdivision plat is used to establish new lots if conditions for approving a Plat of Survey cannot be met.
- A. Application and Review Procedure. The subdivision plat process includes five major parts: a planning conference, a good neighbor meeting, a preliminary plat, construction of improvements, and a final plat.
  - B. Application and Review Procedure. The complete process for subdivision plat processing requires submittal of both a preliminary and final plats. The preliminary plat and a final plat of part or all of the preliminary plat may be submitted concurrently, but the City may hold or delay action on the final plat if necessary to ensure thorough review and processing. The formal City review process is generally consistent with the following abbreviated summary of actions and timeline:

<b>TABLE 180.09-A - SUMMARY OF REVIEW PROCESS</b>	
<u>Action</u>	<u>Timeline</u>
Applicant submits initial plat material.	First working day of month
City staff reviews plat and prepares preliminary report for applicant.	15 <sup>th</sup> of month
Applicant submits revised documents based on preliminary report.	21 <sup>st</sup> of month
City staff reviews corrected documents and issues report to Planning Commission	Last Thursday of month
Planning Commission meets and makes formal recommendation to City Council	First Tuesday of 2 <sup>nd</sup> month
City Council meets formally and approves or denies plat	Second or fourth Tuesday of 2 <sup>nd</sup> month

- C. Recording the Final Plat. Final plats shall be recorded by the owner immediately upon approval by the City Council, and approval may be rescinded if not recorded within six months of approval.

**180.11 SUBDIVISION PLAT PREPARATION, REVIEW, AND SUBMITTAL PROCESS REQUIREMENTS**

1. Planning Conference. The applicant or representative shall meet informally with City staff prior to submitting the preliminary plat in order to discuss the proposed subdivision. The purpose of this planning conference is informational only, and no approval can be given nor can any requirements of this ordinance be waived. In general, the applicant is expected to provide a map showing the following:
  - A. The property proposed to be subdivided and surrounding property boundaries and streets;
  - B. Contours of the property and surrounding properties;
  - C. Buildings on the site, wooded areas, wetlands, and other major features; and
  - D. A concept for the subdivision of the property.
2. Good Neighbor Meeting.
  - A. After the planning conference but before a preliminary plat is submitted to the City, the applicant shall arrange for a Good Neighbor meeting to be held to notify residents of a possible subdivision and to provide an opportunity for comments; however, a Good Neighbor meeting is not required if the plat meets the following criteria as determined by City staff:
    - (1) The plat does not create the need for the extension of streets, utilities or any other new public improvements;
    - (2) The area being platted has already been subdivided through a process that included City review and approval;
    - (3) Each resulting lot will conform fully to all requirements of the zoning district in which the parcels of land are located, and each lot is developable in the zoning district in which it is located; and
    - (4) No new violations of any City codes or adopted standards would be created by the plat.
  - B. The applicant shall coordinate with the City Planner to schedule a meeting, to be moderated by the City Planner with the assistance of the applicant, prior to submission of the preliminary plat. The meeting shall be held prior to any City Staff action on the subdivision application, other than the planning conference.
  - C. The City, at the applicant's expense, shall send out by regular mail an announcement to the property owners 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 Commission, Mayor and City Council will be notified of the meeting at least seven days prior to the meeting. These required mailings and notices shall include a plain language description of the location and boundaries of the subject property, and may include a location and/or draft plat.
  - D. Rezoning applications also require a Good Neighbor meeting to be held subject to the same requirements as found in this section. In the event that a proposed subdivision follows or is concurrent with a rezoning of the same property, the requirements of this section shall be fulfilled at the same Good Neighbor meeting if both are presented at said meeting.
3. Preliminary Subdivision Plat Submittal Requirements and Review. The preliminary plat, in general, contains more information than the final plat, so that the subdivider and the City can ensure conformance with codes, master facility plans, and good planning and engineering practices. Though the preliminary plat is not recorded, it is approved by



resolution of the City Council, and conditions for approval of the plat shall be addressed on any final plats of the same area.

A. 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) A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features;
- (2) Name of proposed subdivision and date;
- (3) Legal description and acreage;
- (4) Name and address of owner;
- (5) Names of the persons preparing the plat, owner's attorney, representative or agent, if any;
- (6) Existing and proposed zoning district classification of all land within the proposed subdivision and within about 200 feet of the subdivision;
- (7) North point and graphic scale;
- (8) Contours at two-foot intervals or less, both existing and as generally proposed (subject to more refinement in subsequent construction plans);
- (9) Building setback lines as required by the current or proposed zoning district classifications;
- (10) The approximate boundaries of areas of known flood levels or floodplains, areas covered by water, wooded areas, floodways, and all open channel drainage ways;
- (11) Locations, names, and dimensions of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings within in the proposed subdivision and within about 200 feet of the subdivision;
- (12) Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;
- (13) Layout and dimensions of proposed streets, sidewalks, trails, alleys, utility and other easements, parks and other open spaces or reserved areas;
- (14) Grades of proposed streets and alleys;
- (15) A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving, and sidewalks to be installed;
- (16) The layout of proposed water mains and sanitary sewer systems;
- (17) The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures;
- (18) Stormwater management facilities when applicable;
- (19) A signed certificate of the Johnson County Auditor for the subdivision name; and
- (20) Other special details or features that may be proposed or required.

4. Costs and Fees.

- A. The filing of the preliminary plat of a subdivision shall be accompanied by an application fee as established by City Council resolution from time to time.
- B. 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 this 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.
5. Review and Approval Procedure. The City process for preliminary plat review and approval is generally as follows:
    - A. Submittal is made to the City Clerk by noon of the first working day of the month, and copies are distributed to the staff review team.
    - B. Near the middle of the month, the staff review team meets to discuss cases, and a preliminary memorandum is prepared and forwarded to the contact person. The preliminary memorandum outlines deficiencies in the plat, recommendations for improving the plat, and a due date for resubmission of the corrected or modified plat, if necessary. The review may also identify the need for additional studies to be completed by the applicant, including but not limited to traffic impact studies and utility investigations.
    - C. Near the end of the month, the plat is resubmitted with corrections and changes. If ordinance and regulatory provisions are met, the plat is placed on the next Planning Commission agenda.
    - D. The Planning Commission receives the plat, along with a final staff report containing any recommendations, and makes a formal recommendation to City Council for approval, approval with conditions, or denial. The Planning Commission may also table action on a preliminary plat if the Commission feels additional information is needed to make a recommendation.
    - E. City Council receives the plat, along with the final staff report and recommendation from the Planning Commission, and formally acts by resolution on the plat to approve, approve with conditions, or deny. The City Council may also table action on a preliminary plat if the Council feels additional information is needed to reach a decision. If a Preliminary Plat Agreement has been prepared, the City Council also acts to approve the agreement.
  6. Standards for Approval. In addition to all provisions found in this and other ordinances, the City may impose additional limitations or directives intended to ensure that subdivisions are logical, are compatible with surrounding areas, and generally will be an asset to the City when completed. Such issues may include but are not limited to lot size and layout; street, sidewalk and trail type, alignment, and location; and infrastructure location, type, and size.
  7. Effect of Preliminary Plat Approval and Expiration. The approval of the preliminary application by the City Council does not create legally buildable lots or entitle the owner to building permits, but it is an authorization to proceed with preparation of construction plans, a developer's agreement, permit applications leading to construction of improvements, and ultimately the preparation of a final plat. Approval of the preliminary application shall be effective for a period of 36 months, after which time approval of the plat is null and void unless extensions or reinstatements are approved by the Council or final plats are recorded as follows:
    - A. Upon written request of the subdivider, the City Council by resolution may grant up to an 18 month extension of time. Consideration of granting an extension or reinstatement may include but is not limited to the following criteria: 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; or
    - B. Final plats 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.

8. Construction of Improvements.
  - A. Options for Improvements. Installation or provisions for the installation of public infrastructure such as streets, street lights, and sanitary sewer and water mains are to be completed prior to acceptance of any final plat. Improvements may be provided for in one of the following two means by an owner:
    - (1) Construction of all improvements and installations in the subdivision as approved by the City Engineer, or construction of all improvements and installations in the subdivision as approved by the City Engineer with the exception of sidewalks. In the latter case, the owner shall execute an agreement as a covenant running with the land providing that the sidewalks shall be installed in accordance with the developer's agreement, 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, 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
    - (2) A letter of credit, escrow, performance bond, or other financial instrument in a form approved by the City, filed with the City Clerk that guarantees to the City that the improvements, as approved by the City Engineer, will be completed by the subdivider or property owner within two years after official acceptance of the final plat. The form and type of instrument shall be approved by the City Attorney and City Council, and shall be equal to 110% of the amount of the estimated costs. If the improvements are not complete within the specified time, the City may use the instrument or any necessary portion thereof to complete the improvements.
  - B. Construction Plan Submittal, Review and Approval. Four construction plan sets and supporting calculations, prepared by an engineer, shall be submitted to the City for review and comment. Construction plans are not considered final until formally approved by the City Engineer.
  - C. Construction Permitting. Once construction plans are approved, a subdivision construction permit may be obtained and construction may proceed. Applications for construction permits shall include the following:
    - (1) Letter from the City Engineer recommending approval of the plans.
    - (2) DNR construction permits.
    - (3) NPDES Erosion control Permit and CSR Permit.
    - (4) Recorded copy of offsite easements, if applicable.
    - (5) An executed developer's agreement approved by City Council, unless waived.
    - (6) Any other applicable State and/or Federal permits.
    - (7) Payment of costs and fees.
  - D. Costs and Fees. 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.
9. Final Subdivision Plat Submittal Requirements and Review. The final plat, in general, contains information required by state code and is recorded once approved by resolution of the City Council. The application shall include the following:
  - A. Final Plat Contents. The final plat shall show the following drawn to a minimum scale of 1"=100':

- (1) A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features.
- (2) Accurate property boundary lines, with dimensions and bearings or angular dimensions that provide a land survey of the tract, closing with an error of not more than one foot in 10,000 feet;
- (3) Accurate references to known permanent monuments, giving the bearing and distance from some corner of a lot or block in the City to some corner of the congressional division of which the City or the addition thereto is a part;
- (4) Accurate locations of all existing and recorded streets intersecting the property boundaries of the tract;
- (5) Accurate legal description of the property boundaries;
- (6) Street names and street right-of-way widths;
- (7) Complete curve notes for all curves included in the plat;
- (8) Street center lines with accurate dimensions in feet and one-hundredths of feet with bearings or angular dimensions to street, alley and lot lines;
- (9) Lot numbers and lot line dimensions;
- (10) Block numbers, if used;
- (11) Location, type, material and size of all markers.
- (12) Name and street address of the owner and subdivider;
- (13) Name and street address of owner's or subdivider's attorney, name of persons who prepared the plat, and the date of preparation;
- (14) North point, scale and date;
- (15) Minimum Low Opening (MLO) table, when required by the City;
- (16) Certification of the accuracy of the plat by a registered land surveyor of the State;
- (17) Location and width of easements for utilities, and clear identification of intended use;
- (18) Certification by the utility companies that utility easements are properly placed for the installation of utilities;
- (19) A signature block for endorsement by the City Clerk certifying the City Council's approval of the plat; and
- (20) A note on the plat stating "Notes on this plat are not intended to create any vested private interest in any stated use restriction or covenant or create any third party beneficiaries to any noted use restriction or covenant".

B. Accompanying Documents. Prior to City Council action, the owner shall provide the following:

- (1) An executed developer's agreement;
- (2) An executed SMF agreement; and
- (3) The final report by the City Engineer stating either that the improvements have been installed in accordance with the approved plans and specifications, or that the improvements have not been installed but the plans and specifications have been approved and security for the improvements has been provided.

C. Costs and Fees.

- (1) The filing of the final plat of a subdivision shall be accompanied by an application fee as established by the City Council from time to time.

- (2) 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 this 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 first notice of 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.
  - (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.
- D. Review and Approval Procedure. The City process for final plat review and approval is generally as follows:
- (1) Submittal is made to the City Clerk by noon of the first working day of the month, and copies are distributed to the staff review team.
  - (2) Near the middle of the month, the staff review team meets to discuss cases, and a preliminary memo is prepared and forwarded to the contact person. The preliminary memo outlines deficiencies in the plat and recommendations for improving the plat, and contains a due date for resubmission of the plat, if necessary.
  - (3) Near the end of the month, the plat is resubmitted with corrections and changes. If ordinance and regulatory provisions are met, the plat is placed on the next City Council agenda.
  - (4) City Council receives the plat, along with the final staff report, and formally acts by resolution on the plat to approve or deny. The City Council may also table action on a final plat if it determines it does not have adequate information to reach a decision.
- E. Effect of Final Plat Approval and Expiration. The approval of the final plat by the City Council constitutes approval of the subdivision and improvements or plans for improvements. Final plats shall be recorded immediately upon approval by the City Council, and approval may be rescinded if not recorded within 6 months of approval.

## **180.12 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

- 1. General Requirements
  - A. The design of any subdivision shall comply with the standards of this ordinance, provide for the orderly growth and development of the City, demonstrate consistency with the North Liberty Comprehensive Plan and any specific adopted district plans, and take into consideration the natural features of the site and patterns of adjacent development.
  - B. The subdivider of property shall be responsible for constructing all public improvements associated with the proposed subdivision according to design standards established by the City, except for special circumstances such as oversizing of facilities, as determined by the City.

2. Use Buffers – Yards and Screening
- A. Definition and Purpose. "Use Buffer" means a yard or portion of a yard along with 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 are required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, odor, litter, noise, glare of lights, signs and unsightly buildings or parking areas.
- B. Relationship to Zoning Required Yards. Use buffers may be located partially or completely within front, side, or rear yards required to meet Zoning Ordinance setback requirements; however, use buffers must meet the requirements outlined in the following General Requirements section.
- C. General Requirements.
- (1) Use Restrictions. Buffer yard areas shall contain mainly landscaping and turf. No principal buildings, outbuildings, parking lots or aisles, outside storage or display, or any other active use shall be located within the yard area, with the following exceptions:
    - (a) Drives accessing the site, but only if perpendicular to the buffer's length; and
    - (b) Pedestrian ways.
  - (2) Easement Required. All buffer yard areas shall be established by easement recorded on the final plat, with clear delineation of maintenance responsibilities presented in the recorded final plat documents that will be recorded.
  - (3) Responsibility. Establishment of the buffer yard easement and landscaping, and ongoing maintenance of the area, is the responsibility of the lot owner with the more intense land use, or in the case of arterial buffers, the single adjacent owner.
  - (4) Existing Incompatibilities. This chapter is not applicable to lots established prior to the adoption date of this ordinance.
  - (5) Yards Required and Dimensions. 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, as specified in the following table.

<b>TABLE 180.12-A - USE BUFFER TABLE - YARDS</b>		
	<u>Buffer Width</u>	<u>Buffer Location</u>
Arterial street buffers, all residential districts	20'	On lot
Incompatible use buffers <sup>1</sup>		
All industrial districts abutting residential districts	50'	Industrial lot
All highway commercial districts abutting residential districts	20'	Highway Commercial lot
RM districts abutting RS districts	20'	RM lot
R-FB district abutting single-family residential districts	50'	R-FB lot
<sup>1</sup> If uses are separated by a street right-of-way, or if a screen fence is constructed, the buffer yard width may be reduced by ½.		

- (6) Screening. Adequate screening levels and type of screening shall take ground level and views from the adjacent property into consideration in observing the following requirements:
  - (a) In all cases when a use buffer is required, a green belt planting strip shall be established, consisting of evergreen trees and/or deciduous trees and plants of sufficient width and density to provide a visual screen. Earth mounding of berms may be used to achieve no more than four feet of the required screen;
  - (b) In cases where incompatible uses are directly adjacent, a screening fence constructed of masonry, brick, wood, vinyl, or similar material compatible with the less-intense zoning district shall be constructed in the buffer area in conjunction with the planting and berming plan. Such fence and plantings shall provide a solid screening effect six feet in height; and
  - (c) Buffer yard screening through the use of a fence only shall not be allowed.
- (7) Buffer Plan Required. Prior to approval of a final plat, a buffer plan is required for all buffer areas. The buffer plan, illustrating plant type, size, quantity, location, planting specifications, and grading shall be prepared by a registered landscape architect.
- (8) Plant Size. All plants must at least equal the following minimum sizes. Larger plant materials may be required when necessary for immediate screening.

**TABLE 180.12-B - BUFFER AREA PLANT SIZE - POTTED/BARE ROOT OR BALLED AND BURLAPPED**

Shade trees	2 inch diameter
Half trees (Flowering Crab, 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	24 - 30 inches
Evergreen, upright	24 - 30 inches
Evergreens, spreading	18 - 24 inches

- (9) Plant Spacing. Plant material centers shall not be located closer than three feet from the fence line or property line, and shall be planted to not conflict with public plantings. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
  - (10) Ground Cover. All portions of the buffer yard not occupied by plantings or fencing shall be seeded or sodded with grass or ornamental groundcover.
  - (11) Existing Conditions. Any existing plant material or site topography which otherwise satisfies the landscaping standards may be used to satisfy the conditions of this chapter.
  - (12) Slopes. Turf slopes of all berms shall not exceed a 3:1 ratio.
  - (13) Maintenance. Screening shall be maintained in perpetuity by the owner.
  - (14) Corner Visual Clearance. On corner lots at street intersections 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 identified by connecting two points measured 25 feet from the intersection of the two lot lines forming the street intersection along each of those two lot lines.
3. Streets and Circulation. The road system shall be designed to permit the safe, efficient, and orderly movement of vehicular and pedestrian traffic; to meet the needs of the present and future population served; to have a simple and logical pattern and allow that pattern to continue through adjacent properties; and to respect natural features and topography.
- A. Streets and Driveways. When a drive provides the frontage for one or more lots as required in the Zoning Ordinance, that drive shall be designated as a street and shall meet all design and construction regulations for streets contained in this ordinance and in the City's construction design standards.
  - B. Connectivity. Subdivisions shall provide for continuation and extension of arterial, collector and local streets, sidewalks and trails in accordance with the following standards:
    - (1) Arterial streets shall be located and extended in general accordance with the Metropolitan Planning Organization of Johnson County (MPOJC) Arterial Street Plan and the North Liberty Comprehensive Plan.
    - (2) All streets, sidewalks, and trails shall connect to other streets, sidewalks, and trails within the development, and to the property lines to provide for their extension to adjacent properties. Each subdivision shall contribute to the larger interconnected street pattern of the City to provide for street



connectivity between neighborhoods, multiple travel routes resulting in the diffusion and distribution of traffic, efficient routes for public and emergency services, and direct and continuous vehicular and pedestrian travel routes to neighborhood destinations.

- C. Turning Lanes. Separate turning lanes may be required on arterial streets and on streets connecting to arterial streets if existing or forecasted traffic warrants the lanes.
- D. Cul-de-sacs. Use of cul-de-sacs and other roadways with a single point of access should be avoided. Cul-de-sacs will be considered where it can be clearly demonstrated that environmental constraints, existing development, access limitations along arterial streets, or other unusual features prevent the extension of the street to the property line or to interconnect with other streets within or abutting the subdivision. In such cases, the maximum length of a cul-de-sac shall be no more than 900 feet measured from the centerline of the intersecting street to the center of the turn-around; the cul-de-sac turn-around shall be centered in the turn-around right-of-way; and the minimum outside radius of the pavement of cul-de-sac bulbs shall be 40 feet. A center landscaped island may be installed if approved by the City as a part of the construction design plans. In such a case, the minimum radius shall be 11 feet, and the developer’s agreement shall designate and set forth procedures for benefitted property owners or a homeowner’s association to maintain the landscaped area. Said instrument shall provide that if said services are not provided as required therein, the City shall have the right to perform said services, and the cost thereof shall be a lien and charge against all of the subject lots.
- E. Street Design Criteria Summary. The following table provides a summary of requirements for various street types. If boulevards, bike lanes, or other non-standard street types are planned, additional right-of-way may be necessary.

<b>TABLE 180.12-C - STREET DESIGN CRITERIA SUMMARY</b>					
	Arterial	Collector	Local & Cul-de-sac	Cul-de-sac Turn-arounds	Industrial
Minimum Right-of-way Width <sup>1</sup>	100' Major Arterial 85' Minor Arterial	66'	60'	110' diameter 120' in industrial areas	60'
Minimum Street Pavement Width	31'	31'	29'	80' diameter	29'
Maximum Grade <sup>2</sup>	8%	10%	12%	8%	8%
Minimum Grade	0.6%				
Minimum Curve Radius <sup>3</sup>	1,000'	350'	150'	150'	150'
<sup>1</sup> Additional width may be required in some circumstances such as to maintain consistency within a corridor or where auxiliary lanes are required. <sup>2</sup> When two streets intersect, the grade of the lower classification street shall be minimized to allow safe stopping and starting in adverse weather. <sup>3</sup> Minimum curve radius may be shorter where designed for traffic calming, subject to approval of the City Council.					

- F. Curb and Gutter Sections. Curbs shall be integral cast Portland cement concrete, with no separation between the curb and gutter sections of the pavement. The curbs shall be six inches in height and roll curbs are not allowed.
- G. Intersection Corner Radius. Corner radii at intersections shall be based on the following table:

Arterial street intersecting arterial street	50'
Arterial street intersecting collector street	30'
Arterial street intersection local street	25'
Collector street intersecting collector street	25'
Collector street intersecting local street	25'
Local street intersecting local street	25'
Streets in industrial area	50'
Alleys intersecting any street	Maximum possible in ROW but not more than 20'

- H. Parkway
    - (1) The parkway shall slope to the street at a rate of 0.5 inches vertical per horizontal foot.
    - (2) The parkway shall be landscaped with grass except in areas so narrow that grass will not grow well or in commercial areas where alternative materials are proposed to create a special environment aesthetically. In such areas, alternate materials may be used only upon approval of the City Engineer.
  - I. Dedication of Right-of-Way. Land shall be dedicated to the City for all public street rights-of-way within the development and for any public street right-of-way that is needed for streets that abut or will abut the development.
4. Measurements and Construction Standards
- A. All right-of-way improvements shall be designed and constructed according to the design standards established by the City.
  - B. All street paving widths shall be measured and referred to from back-of-curb to back-of-curb.
  - C. The design speed will be used to design the geometric features, including but not limited to sight distance, intersections, and curve radii for arterial streets to current AASHTO standards; however, in no case shall said design speed be less than 35 miles per hour.
5. Street Intersections
- A. A maximum of four legs are allowed at any one intersection.
  - B. The distance between street intersections shall be at least 125 feet centerline to centerline.
  - C. Intersection angles of street center lines shall be between 80 and 100 degrees.
  - D. Dead end streets and alleys are not permitted except at subdivision boundaries abutting undeveloped areas. In such cases, a temporary turn-around for fire apparatus may be required to be constructed to City specifications.

6. Traffic Calming Features. The street network, block length, and layout of lots should be designed in a manner that discourages speeding traffic and unsafe driving behavior. In order to minimize the potential for speeding traffic and create a safer environment for pedestrians and bicycles, the City may, in cases where it is warranted, require traffic calming features to be designed into the subdivision. These features may include but are not limited to discontinuous streets, curb extensions, raised crosswalks, medians, or traffic circles.
7. Street Names.
  - A. The City reserves the right to deny the use of street names that it determines are not in the public interest. Street names shall be consistent with the following standards:
    - (1) In order to ensure safe and efficient provision of public and emergency services, each proposed street name shall be distinct from other street names within the larger metropolitan area; and
    - (2) Street names that are overly lengthy, difficult to pronounce, or may be considered inappropriate or unappealing shall be avoided.
  - B. For new streets, the following rules apply:
    - (1) The term "street" should be used for a non-dead end roadway aligned in a north-south direction.
    - (2) The term "avenue" should be used for a non-dead end roadway aligned in an east-west direction;
    - (3) The term "boulevard," "road," or "drive" may be used for a roadway that is aligned neither in a north-south nor an east-west direction, but that changes direction or meanders; and
    - (4) The terms "lane," "court," "circle," or "place" should be used for cul-de-sacs or low volume loop streets.
  - C. Cul-de-sacs or low volume loop streets may use the same name as the roadway with which it intersects. For example, a cul-de-sac that intersects with Rose Avenue may be named "Rose Court." However, if more than one cul-de-sac or loop street intersects with Rose Avenue, an additional "Rose" name may not be used.
  - D. Similar names may not be used for streets that are in different locations within the City. For example, the name, "Rose Drive," may not be used in one neighborhood, if there is already a "Rose Avenue" in a different neighborhood.
8. Private Streets
  - A. Private streets in single family residential areas are not allowed.
  - B. Requests for private streets in multi-family, commercial, and industrial areas may be considered, provided that connectivity to adjacent properties is not needed. If private streets are approved, the subdivider must submit a legally binding instrument setting forth the procedures to be followed for maintaining private streets and providing garbage service, snow removal, street sweeping, and financing these services. Such costs shall be shared by all owners of property located within the subdivision, or designated portion thereof, through the use of an owners association or other entity satisfactory to the City. Said instrument shall provide that if said services are not performed as required therein, the City shall have the right to perform said services, and the cost thereof shall be a lien and charge against all of the owners of lots so designated in the subdivision.
  - C. Private streets shall be labeled as "Public Access Easement Street" on the plat.
  - D. Private streets shall be designed and constructed to the same standards as public streets.

9. Sidewalks, Trails, and Pedestrian Connections. Public sidewalks, trails, and pedestrian connections shall be constructed in the public right-of-way according to the following standards:
  - A. The City's approved design standards and the approved North Liberty Trails Network Plan shall be observed for construction standards and location, respectively. The City will determine on which side of the street the wide sidewalk will be placed and the specific different width of the sidewalk.
  - B. Four foot wide concrete sidewalks are required to be constructed along both sides of all local and collector streets.
  - C. All sidewalks and trails shall connect to other sidewalks and trails within the development and to the property line to provide for their extension to adjacent properties.
  - D. The subdivider is responsible for the construction of a public sidewalk along the frontage of private open space along any public open space dedicated to the City and along the frontage of other outlots as necessary for a continuous sidewalk system to be created.
  - E. In residential subdivisions, blocks longer than 600' must have mid-block pedestrian connections between adjacent streets, unless said connection is deemed to be unnecessary or infeasible and is waived by the City. At the time of subdivision, these connections must be platted as minimum 15 foot wide easements. If the connecting sidewalk is greater than five feet in width, the easement must be at least 20 feet wide. Within this easement, a sidewalk to City standards shall be constructed that is equal in width to the sidewalks to which it provides a connection. If the mid-block sidewalk connects to sidewalks of two different widths, the mid-block sidewalk must be equal in width to the wider sidewalk. The area and sidewalk within the pedestrian easement shall be maintained by adjacent property owners according to the developer's agreement in a manner similar to maintenance requirements for public sidewalks.
  - F. Where a trail extension, as identified in the Comprehensive Plan or an adopted trails plan, is located on the property being platted, the City may require installation of the trail, at the developer's expense, and any easement or dedication of land necessary for the trail.
10. Layout of Blocks and Lots
  - A. Blocks
    - (1) Blocks should be limited in size and be laid out in a pattern that ensures the connectivity of streets, provides for efficient provision of public and safety services, and establishes efficient and logical routes between residences and non-residential destinations and public gathering places.
    - (2) To provide multiple travel routes within and between neighborhoods, block faces along local and collector streets should range between 300 feet and 600 feet in length. For residential subdivisions, blocks should have a width sufficient to accommodate two tiers of lots. Longer block faces may be allowed in cases of large lot commercial, industrial, or rural residential development, or where topography, water features, or existing development prevents shorter block lengths, although mid-block pedestrian connections may be required. Block faces are measured from centerline to centerline of the intersecting streets.
    - (3) Block faces along arterial streets should be at least 600 feet in length. Intersecting collector streets should be spaced in a manner that provides adequate connectivity between neighborhoods but also maintains the capacity of the street for the safe and efficient movement of traffic.

Longer block faces may be required along high capacity or higher speed arterial streets where the interests in moving traffic outweigh the connectivity between areas of development. The City may approve shorter block faces in high density commercial areas or other areas with high pedestrian counts.

B. Lots

- (1) Every lot shall be provided access and frontage as specified in the Zoning Ordinance on an approved public or private street.
- (2) Lots shall be platted in a manner that will allow development to meet all Zoning Ordinance requirements. Lots must be of sufficient size to accommodate an adequate buildable area and area for required setbacks, off-street parking, and service facilities required by the type of use and development anticipated.
- (3) Lots with multiple frontages must be platted large enough to accommodate front setback requirements along street-side lot lines.
- (4) If a property with frontage only along an arterial street is proposed to be subdivided, a cross-access easement shall be provided by the property owner to all adjoining properties that front on the same arterial street.
- (5) In residential areas, double and triple frontage lots should be avoided. Where the City determines such lots are necessary to overcome specific disadvantages of topography, land features, or access restrictions, the following standards apply:
  - (a) Multiple frontage and corner lots with only two frontages shall be platted with enough land area to accommodate the required front setback area along all frontages.
  - (b) Double and triple frontage lots where dwellings will have side or rear building facades oriented toward an arterial street shall provide a minimum 20 foot wide landscaped buffer area along the arterial street frontage. The buffer area shall be planted with a mixture of coniferous and deciduous vegetation approved by the City. The vegetation shall be required along with other public improvements for the property. Lots where dwellings will have front building facades oriented toward an arterial street are exempt from this requirement. If a buffer area was required during subdivision, no solid fences will be allowed within this buffer area. This restriction must be noted in the developer's agreement and on the plat. On corner lots, the landscaping within the buffer must be planted and maintained to comply with intersection visibility standards.
  - (c) Side lot lines shall approximate right angles to straight street lines or be approximately radial to curved street lines, except where a variation will provide a better street and lot layout.
  - (d) Residential lots shall not be designed with irregular shapes such as a flag or panhandle shape where the structure on the lot may be hidden from the street behind another structure.

11. Street Lights. The subdivider shall submit the proposed street lighting placements for review by the City Engineer and City Council approval prior to placement. 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, decorative poles, light fixtures and related parts in new subdivisions shall be the responsibility of the subdivider.

12. Sanitary Sewers. The subdivider shall provide a complete sanitary sewer system, including stubs, for each lot, which shall connect with a sanitary sewer outlet approved by the City Engineer. The sanitary sewer in each defined drainage area shall extend to the subdivision boundaries and beyond, as necessary to provide for the extension of the sanitary sewer to adjacent property, as determined by the City. In the event the City requires a sewer system greater than needed to service the subdivision under review, the City shall pay the developer for the difference in the costs of materials for the upsizing, and future subdivisions that connect with the subject system shall on a pro rata basis reimburse the City for the cost for the upsizing.
13. Storm Water Management. The developer shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm water quality features, storm water detention, storm sewers, intakes and manholes to provide for the collection, management, and removal of all surface waters as set forth in the City's Design Standards. These improvements shall extend to the boundaries of the subdivision and beyond, as necessary to provide for extension by adjoining properties and as determined by the City. The City will not pay for the excess cost when the subdivider is required under state law to manage the natural drainage including between adjoining lands.
14. Water Systems. The developer 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 beyond as may be necessary to provide for extension by adjoining properties, as determined by the City. The system shall provide for a water connection for lots and shall be connected to the City water system.
15. Private Utilities. The subdivider shall provide for installation or assurances acceptable to the City for installation of electric distribution lines, gas mains, telephone lines and other facilities in any new subdivision as are needed, as determined by the City, 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 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 lot.
16. Utilities in General
  - A. 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. Underground facilities need not be installed in the following instances:
    - (1) Any increase of service size including single phase to three-phase conversion; or
    - (2) Any new service when utility poles exist along abutting property lines that are not separated by any alley or public right-of-way and no additional utility poles are required.
  - B. The subdivider shall provide necessary easements in the subdivision for placement of all utilities including street lights and will submit to the City all proposed easements for use in the subdivision at the time the developer's agreement is presented.
  - C. The preliminary and final subdivision plat shall be presented to the designated representatives of the utility companies serving the 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.

- D. All proposed utility line locations in public rights-of-way or municipal easements shall be reviewed by the City for the purpose of avoiding locational, 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.

17. Clustered Mailboxes

- A. All new residential or commercial developments that receive curbside delivery of mail shall have clustered mailboxes, unless an exception is approved by the United States Postal Service. The location of mailbox clusters shall be noted on the plat.
- B. Mailbox clusters serving residential developments shall be conveniently located for residents, generally meeting the following criteria:
  - (1) Mailbox clusters should be located within approximately 600 feet walking distance from any residential property served by said mailbox cluster. Adjustments to this distance criterion may be approved when there are not enough lots within one block or 600 feet to form a cluster.
  - (2) Driveways shall be allowed no closer than 12 feet from the location of a clustered mailbox as measured along the curb line of the fronting street.
  - (3) Mailboxes must be located in a manner that will not violate the City's intersection visibility standards.
  - (4) Locations and design must be approved by the City and the United States Postal Service.
  - (5) Depending on the size and location of the clustered mailbox, the City may require a vehicular pull-over lane built to City specifications.
  - (6) Mailbox clusters shall be located on a concrete pad built to City specifications. To provide for pedestrian access, a five foot wide concrete sidewalk shall be provided from the mailbox cluster to the adjacent public street and sidewalk.
  - (7) The cost of installation, including but not limited to box units, concrete pad, and sidewalk access, shall be borne by the developer, and subsequent maintenance shall be carried out by the property owners within the subdivision.

18. Specifications

- A. The type of construction, the materials, the methods and standards of subdivision improvements shall be according to City standards and all acquired permits.
- B. Construction plans and specifications, including plans for subdivision erosion control measures, shall be submitted to the City Engineer for approval prior to construction. Construction shall not commence until the City Engineer approves the plans and specifications.
- C. If the infrastructure and/or grading cannot be designed to comply with City standards, a new preliminary plat may be required at the discretion of the City.

19. Record of Construction Drawings. The record drawing shall depict "as constructed" improvements, including deviations or revisions from the approved construction plans. All rim and invert elevations shall be surveyed and included on the record drawings. Stormwater management ponds, drainageways, and structures shall be surveyed and included in the plans, which shall be submitted by the developer's engineer with record drawing certification clearly stated on the drawings.

20. Inspections

- A. The City Engineer or designee shall inspect the installation of all public improvements in new subdivisions to insure compliance with the requirements.

- B. The subdivider shall bear the cost of such inspection, which shall be the actual cost of the inspection by the City.
  - C. The subdivider shall provide qualified and appropriate inspection and construction management to ensure compliance with approved plans and specifications.
21. Off-Site Improvements. When off-site improvements are necessary for the subdivision and development of a property, the subdivider shall be responsible for the extension of said improvements. Off-site improvements shall be designed and constructed according to plans and specifications approved by the City Engineer and shall be of sufficient size and capacity to serve the full area capable of being served by the type of improvement so that the City will not be required to construct parallel or duplicate facilities. If said infrastructure is greater in size than that needed to service the subdivision itself, the City, at its discretion, may share in the expense thereof. Such cost sharing shall be according to the procedure set forth in the developer's agreement. Any payment of excess costs by the City shall be pursuant to state law.

**SECTION 2. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on May 14, 2013.  
 Second reading on May 28, 2013.  
 Third and final reading on \_\_\_\_\_, 2013.

CITY OF NORTH LIBERTY:

ATTEST:

\_\_\_\_\_  
 THOMAS A. SALM

\_\_\_\_\_  
 TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. \_\_\_\_\_ in the *North Liberty Leader* on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
 TRACEY MULCAHEY, CITY CLERK