



# **Subdivision Ordinance**

**Title 4, Land Use  
Chapter 35**

CODE OF ORDINANCES, CITY OF NEWTON, IOWA, TITLE 4  
December 2002  
Title 4, Land Use  
Chapter 35 Subdivision Ordinance

**Article 1: Title and Intent**

**35.0101 TITLE.** This ordinance shall be known, referred to, and cited as the "Subdivision Ordinance of the City of Newton, Iowa".

**35.0102 PURPOSE AND INTENT.** This ordinance for the City of Newton, Iowa, has been adopted for the following purposes:

**35.0102.1 To guide the future growth and development of the city,** in accordance with the comprehensive plan.

**35.0102.2 To ensure sound, harmonious subdivision development** by prescribing standards for subdivision design, erosion control and construction practices.

**35.0102.3 To improve land records by** ensuring proper legal descriptions and monumentation of subdivided land.

**35.0102.4 To provide common and established grounds** for understanding and a sound working relationship between the city and the developer, and to safeguard the interests of the home owner, the subdivider, the investor and the city.

**35.0102.5 To provide for the coordination and extension of streets and utilities** to and within subdivisions with other existing or proposed streets and utilities.

**35.0102.6 To control the scattering and premature platting** of lots beyond the effective operating range of existing public utilities and improvements.

**35.0102.7 To cause the cost of design and installation of improvements** in the proposed subdivisions to be borne by the developer rather than placing the direct or indirect burden upon those property owners beyond the boundary of the proposed subdivision, who have already paid for improvements to their property.

**35.0102.8 For coordination of subdivisions** with other features of the comprehensive plan to provide for adequate open area for traffic, recreation, light and air.

**35.0102.9 For distribution of population and traffic** in such a manner so as to create conditions favorable to health, safety, convenience or welfare, all in accordance with applicable state statutes.

**35.0102.10 To allow for creativity and flexibility** in subdivision design to augment the uniqueness and livability of neighborhoods in the City of Newton.

**35.0103 JURISDICTION.** This ordinance is adopted in accordance with the provisions of Chapter 354 of the Code of Iowa, and amendatory acts thereto, governing the subdivision of all lands within the corporate limits of the city, and Section 354.9 of the Code of Iowa, governing subdivision of all lands within two (2) miles of the corporate limits. The City of Newton claims its right to review all subdivisions and plats of survey within two (2) miles of its corporate limits, except those subdivisions and plats of survey which fall within the corporate limits of the City of Lambs Grove.

**35.0104 APPLICABILITY.** The regulations contained herein shall apply to the subdivision of any existing lot, tract, or parcel of land into lots, tracts or other division of land for the purpose of sale, transfer or building development whether immediate or future, including the replatting of land or lots. They shall also apply to any situation where there is a dedication of streets, alleys, easements, or land for other public use.

**35.0104.1** A subdivision plat shall be required when a tract of land is subdivided by repeated division or simultaneous division in to three (3) or more parcels.

**35.0104.2** A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.

**35.0104.3** No plat or subdivision shall be officially recognized by the City of Newton until all provisions and approvals set forth in these regulations and the Code of Iowa have been met.

**35.0105 INTERPRETATION.** The provisions of this title shall be interpreted to be the minimum requirements for the promotion and effectuation of the purposes set forth. Nothing herein shall repel, abrogate, annul or in any way interfere with any provision of law or any rules or regulations other than subdivision regulations adopted or issued pursuant to laws relating to subdivisions or development of land. Where this title imposes more restrictive requirements than one imposed or required by provisions of laws, rules, regulations, covenants or agreements, the provisions of this title shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, or agreements between parties which impose more restrictive requirements than those imposed by this title.

## Article 2: Definitions

**35.0201**        **DEFINITIONS.** For the purpose of this ordinance certain terms words and phrases are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural number and the plural number shall include the singular number. The word "shall" is always mandatory. Terms not defined shall have the meaning customarily assigned to them as defined in Merriam Webster's Collegiate Dictionary.

**35.0201.1**        **Aliquot Part.** Means one-quarter (1/4) of one-quarter of a section (40 acres).

**35.0201.2**        **Alleys.** A public right-of-way primarily designed to allow through vehicular traffic, serves as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

**35.0201.3**        **Applicant.** An owner or subdivider or developer of land proposed to be subdivided or their representative. Where application is made by a developer or subdivider, consent shall be required by written affidavit from the legal owner of the property.

**35.0201.4**        **Auditor's Plat.** A subdivision plat required by either the auditor or the assessor, prepared by a licensed professional land surveyor under the direction of the County Auditor in accordance with Section 354.13 through 354.17 of the Code of Iowa.

**35.0201.5**        **Block.** A tract or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks, or a combination thereof.

**35.0201.6**        **Building.** Any structure used, designed, or intended for the protection, shelter, enclosure or support of persons or property.

**35.0201.7**        **Building Line.** A line on a plat generally parallel to the public right-of-way, indicating the limit beyond which buildings or structures may not be erected.

**35.0201.8**        **City.** The City of Newton, Iowa, a municipal corporation.

**35.0201.9**        **City Administrator.** The chief administrative officer of the City of Newton, Iowa.

**35.0201.10**       **City Council.** The governing body of the City of Newton, Iowa.

**35.0201.11**       **City Engineer.** The City of Newton, Iowa official who is trained in engineering and has been designated by the city council to furnish engineering expertise in the administration of these regulations.

**35.0201.12**       **City Planner.** The designated planning and zoning official of the City of Newton, Iowa who has principal responsibility for advising the planning and zoning commission and city council on land use development, zoning and platting matters, providing staff support to the zoning board of adjustment; and enforcing the comprehensive plan and Zoning, Subdivision and Sign ordinances

**35.0201.13**       **Common Open Space.** That undivided land in a subdivision which is jointly owned and maintained by all property owners of the subdivision, for the enjoyment and benefit of the owners and occupants of the individual building sites of the said development.

**35.0201.14**       **Comprehensive Plan.** The plan for the improvement and development of the City of Newton, Iowa and adjoining areas as adopted by the city's planning and zoning commission and city council in accordance with the laws of the State of Iowa and the ordinances of the City of Newton, Iowa together with any and all amendments thereto.

**35.0201.15**       **Community Development Department.** A department of the City of Newton, Iowa consisting of the economic development, planning and zoning, and building divisions.

**35.0201.16**       **Construction Plans.** The maps or drawings prepared by a licensed professional engineer accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in substantial accordance with the requirements of the city and the conditions of the approval of said plat. Said plan shall be submitted after preliminary plat approval and prior to final plat approval.

**35.0201.17**       **Cul-De-Sac.** A short local street having one end open to vehicular traffic, the other end being permanently terminated by a vehicular turn around.

**35.0201.18**       **Days.** Refers to calendar days, unless otherwise specified.

**35.0201.19**       **Dead-End Street.** A street with one end open to traffic and the other end terminating without a vehicular turn around.

**35.0201.20**       **Dead-End Street, Temporary.** A street with one end open to traffic and the other end terminating at the boundary line of the subdivision, but will be required to be extended at a later date to provide access to abutting land.

**35.0201.21**       **Dedication.** A grant of land by the owner to the city for public use.

**35.0201.22**       **Design Standards.** Guides, principles, and specifications for the preparation of subdivision plans indicating the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

- 35.0201.23 Developer.** The owner or agent under legal authority of the owner or owners of record, who undertakes to cause a parcel of land to be designed, constructed, and recorded as a subdivision. The term developer may also be known as a "Subdivider".
- 35.0201.24 Division.** Dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway or street easement, shall not be considered a division for the purpose of this chapter.
- 35.0201.25 Duplex.** A single building with exactly two totally separate and complete dwelling units sharing a common unpierced wall extending from ground to roof.
- 35.0201.26 Easement.** A grant by the property owner to the public, a corporation, or persons, of the use of private land for specific limited private, public and quasi-public uses.
- 35.0201.27 Engineer.** A professional engineer licensed under the provisions as specified in the Code of Iowa.
- 35.0201.28 Erosion Control.** Restraining the detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.
- 35.0201.29 Final Plat.** A map or plan drawn to precise engineering accuracy and dimension showing the specific layout of the subdivision and including as a minimum, items set forth in Article 5 of these regulations, along with accompanying material, for the purpose of recording as a subdivision of land.
- 35.0201.30 Final Plat Approval.** Approval given by the city council, after recommendation by planning and zoning commission, to the final plat maps and accompanying material which together constitute final platting in accordance with the requirements contained herein to be filed with the Jasper County recorder.
- 35.0201.31 Flag Lot.** An interior lot located to the rear of another lot and land locked from a public right-of-way, except by a means of a narrow extension of the lot. This narrow extension serves as a private access to the public right-of-way.
- 35.0201.32 Flood Plain.** That portion of the special flood hazard area which have a one percent (1%) or greater chance of being inundated by flood waters in any given year. It is coterminous with the (FP) flood plain district overlay zone adopted by the City of Newton Municipal Code.
- 35.0201.33 Frontage Road (Street).** A street dedicated adjacent to and parallel to a major street with limited or controlled access and dedicated to provide frontage access to abutting properties.
- 35.0201.34 Grading Plan.** A drawing of a proposed subdivision with plans and specifications for grading and drainage.
- 35.0201.35 Greenbelt.** An open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
- 35.0201.36 Improvements.** Changes and additions to land necessary to prepare it for development; and including street surfacing and paving, curbs and gutters, grading, monuments, sidewalks, pedestrian ways, water mains and lines, fire hydrants, sewers, storm drainage facilities, culverts, manholes, bridges, public utilities or other public work installations and appurtenances as designated by the city council or its specific approving authority.
- 35.0201.37 Lot.** A tract of land represented and identified by number or letter designation on an official subdivision plat intended as a unit for transfer of ownership or for development.
- 35.0201.38 Lot Line Adjustment.** The resetting on an interior lot line between lots in a platted subdivision to reconfigure, consolidate, or adjust the boundaries of adjoining lots.
- 35.0201.39 Maintenance Bond.** A surety bond or cash deposit posted by a contractor or developer and made out to the city in an amount equal to the full cost of the improvements required by this chapter. The bond amount shall be estimated by the city engineer, and said surety bond or cash deposit  
being legally sufficient to secure to the city that said improvements shall be kept in good repair from the time of acceptance by the city of said improvements for such period as is specified by this chapter.
- 35.0201.40 Metes and Bounds.** Means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land
- 35.0201.41 Minor Subdivision.** The process to waive the preliminary plat procedure for subdivisions which all required public improvements are in place, except for required public right-of-way dedication on an existing improved public roadway.
- 35.0201.42 Monument.** A physical structure which marks the location of a corner or other survey point.
- 35.0201.43 Owner.** Any person, group of persons, firm, corporation, or any legal entity having legal and equitable title in the land sought to be subdivided under these regulations.
- 35.0201.44 Parcel.** A part of a tract of land.

- 35.0201.45 Pedestrian Way.** A right-of-way dedicated for public use, which crosses a block to facilitate pedestrian access to adjoining streets and/or properties.
- 35.0201.46 Performance Bond.** A surety bond or cash deposit posted by a contractor or developer made out to the city in an amount equal to the full cost of the improvements. The bond amount shall be that of the contract price, and said surety bond or cash deposit being legally sufficient to secure to the city that said improvements will be constructed in accordance with the terms of the contract documents.
- 35.0201.47 Planning Commission.** The planning and zoning commission of the City of Newton, Iowa.
- 35.0201.48 Plat of Survey.** A graphical representation of the survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed professional land surveyor. In appropriate context a plat may refer to the parcel of ground represented by the plat and may be synonymous with "subdivision". It may also be used as a verb referring to the act of preparing a plat.
- 35.0201.49 Pre-Application Conference.** An advanced meeting held prior to subdivision platting between the developer, the community development and engineering departments, and other appropriate representatives. This meeting is for the purpose of reviewing and discussing a proposed sketch plan as prepared in accordance with the requirements in Article 3 of these regulations.
- 35.0201.50 Preliminary Plat.** A plan, map or drawing of the subdivision showing the proposed layout of streets, lots, utilities, easements, open space and prepared in accordance with the requirements in Article 4 of these regulations.
- 35.0201.51 Preliminary Plat Approval.** The approval given by the city council, after planning and zoning commission recommendation, to the preliminary plat of a subdivision which will form the basis for preparation of a final plat.
- 35.0201.52 Replat.** A final plat consisting in total or part of land which has previously been included in a recorded subdivision plat.
- 35.0201.53 Sketch Plan.** A schematic layout of the proposed development as prepared in accordance with the requirements in Article 3 of these regulations. It shall serve only as a guide for development and to enable the developer to save time and expense in reaching general agreement with the engineering department as to the form of the plat and the objectives of these regulations.
- 35.0201.54 Street.** A right-of-way dedicated for public use which provides principal vehicular and pedestrian access to more than one parcel.
- 35.0201.55 Street Classification.** An assignment of functional character and carrying capacity to streets and highways as have been designated in the comprehensive plan and classified therein. The required improvements shall correspond to each street classification contained therein and as set forth in §35.0805 of this ordinance.
- 35.0201.55(A) Primary Arterials-** are the streets that provide access through the community and carry large traffic volumes. Streets in this category include I-80, Iowa Highway 14, U.S. Highway 6 and the Beltline.
- 35.0201.55(B) Secondary Arterials-** are the streets that provide primary traffic circulation within the community. Generally these streets serve a neighborhood boundaries and should not bisect neighborhoods. Streets in this category include South 8<sup>th</sup> Avenue, East 12<sup>th</sup> Street, and North 4<sup>th</sup> Avenue.
- 35.0201.55(C) Collectors-** are the streets that provide access to and from individual neighborhoods. They serve to connect local streets to the arterial system. Streets in this category include East 14<sup>th</sup> Street, East 23<sup>rd</sup> Street, and West 9<sup>th</sup> Street South.
- 35.0201.55(D) Local Streets-** include the balance of the street system that primarily serves the function of providing access to and from individual properties. Streets in this category include East 18<sup>th</sup> Street North, East 26<sup>th</sup> Street South, and West 15<sup>th</sup> Street North.
- 35.0201.56 Street Right-Of-Way Width.** The distance between property lines measured at right angles or radial to the centerline of the street.
- 35.0201.57 Subdivision.** The division of any lot, tract, or parcel of land into three or more lots within any forty (40) acre aliquot part of a section for the purpose of transfer of ownership or building development. Where appropriate to the content, the term shall relate to the process of subdivision or the land subdivided and shall include re-subdivision.
- 35.0201.58 Surveyor.** A land surveyor licensed under the provisions as set out in the Code of Iowa.
- 35.0201.59 Tract.** An aliquot part of a section, a lot within an official plat, or a government lot.
- 35.0201.60 U.S.G.S.** United States Geological Survey.

**35.0201.61 Zoning Ordinance.** The Zoning Ordinance of the City of Newton, Iowa together with any and all amendments thereto, adopted by city council.

### **Article 3: Pre-Application**

**35.0301 PRE-APPLICATION CONFERENCE AND PROCEDURES.** Any owner, developer, or appointed agent wishing to subdivide a parcel of land located within the platting jurisdiction of the city shall submit to the community development department a request for a pre-application conference and one sketch plan of the proposal. The purpose of this conference shall be to acquaint the city staff with the proposed subdivision and acquaint the applicant with the objectives, procedures, and requirements of this title and to address any potential challenges in the proposal. The city planner will distribute the sketch plan and supplemental data to the participants in §35.0302.

**35.0302 PARTICIPANTS.** Participants in the pre-application conference may include the developer or the developer's agent; the developer's engineer, landscape architect or surveyor; the city engineer; the city planner; the public works director; and any other official of government or a private utility deemed by the city planner to have an interest in the layout or facilities to be furnished in the subdivision.

**35.0303 TIME AND PLACE OF CONFERENCE.** The time and place of the pre-application conference shall be set by the city planner within seven (7) days of the submission of the request with sketch plan. The conference shall be arranged within this seven (7) day period so as to serve the convenience of the greatest number of participants.

**35.0304 PRE-APPLICATION INFORMATION.** One copy of the sketch plan, at an appropriate scale shall be submitted to the community development department seven (7) days before the conference. The following sketch plan information and exhibits shall be submitted:

**35.0304.1** A legal description of the parcel to be subdivided.

**35.0304.2** A vicinity map covering sufficient adjoining territory so as to clearly indicate nearby street patterns, property lines, other adjacent properties in the developer's ownership, off-site natural features, land uses and zoning.

**35.0304.3** A contour map shall show existing permanent buildings, significant trees which should be preserved, vegetation coverage, water courses, drainage ditches, all public and private utilities, permanent easements, soils survey information and other features which will have a bearing upon the design of the subdivision or the provision of utilities. If all or part of the land is in (FP) flood plain overlay zone, the boundaries of this zone shall be shown.

**35.0304.4** A sketch plan of the proposed or alternate street and pedestrian systems, lots and blocks, areas of open space or parks, zoning, and utility systems. This sketch shall be illustrated upon the contour map.

**35.0304.5** The scale, north arrow, total acreage of the area, total number of lots and density shall be indicated. All exhibits shall display the proposed name of the subdivision; the words "pre-application sketch plan"; and the name, address and telephone number of the developer and the developer's engineer, or surveyor.

**35.0305 FINDINGS OF THE PRE-APPLICATION CONFERENCE.** The city planner, city engineer and developer shall determine the points of agreement and conflict between the conferees. The city planner shall have an additional seven (7) days in which to review and make written response to the plan before application is made for preliminary plat. Although comments may be made by the city planner, these comments are advisory. The planning and zoning commission and the city council have the authority to reject or approve any proposed subdivision.

**35.0306 ACTION.** The pre-application conference shall be considered as a consolidated conference among concerned parties and shall not be for the purpose of taking any official action.

### **Article 4: Preliminary Plat**

**35.0401 PRELIMINARY PLAT PROCEDURES.** If the developer chooses to proceed after the required pre-application procedure in Article 3, the developer shall commence with the preliminary plat procedures. Preliminary plats shall be prepared in conformance with the provisions of this chapter, in conformance with the City of Newton's Comprehensive Plan. The developer shall be responsible for such conformance.

**35.0402 APPLICATION.** An application as well as supplemental materials for a preliminary plat, shall be submitted to the community development department at least three (3) weeks prior to the planning commission meeting at which time the plat is to be heard. The following shall be submitted with the application:

**35.0402.1** Application fee.

35.0402.2 Fourteen (14) copies at 1 inch equals 100 feet scale and one 11" x 17" legible copy of the plat. In the case of a "phased" development, all phases must be included on the preliminary plat.

35.0402.3 Three (3) copies of the preliminary drainage plan, grading plan, utility plan and street profiles.

35.0402.4 Statement listing all owners of record of the land being subdivided.

35.0402.5 Statement listing all waivers being sought in accordance with §35.1001 - 35.1003.

35.0402.6 A list providing the property address, owner and their mailing address of all properties within two hundred (200) feet of the exterior boundaries of the plat, obtained from the Jasper County auditor's office.

35.0402.7 An electronic copy of the proposed subdivision in a format consistent with City computer equipment and programs, if available without undue burden to the applicant.

35.0402.8 Any other supplemental material as specified in this ordinance or requested in the pre-application process.

35.0403 **APPLICATION ACCEPTANCE OR REFUSAL.** Upon submittal the preliminary plat, the community development department shall review the plat to ensure all supplemental data and materials, as required in §§35.0402 and 35.0409 have been provided. The community development department shall have the right to refuse the submittal of the preliminary plat and application should the required supplemental data not be shown or presented, unless otherwise instructed by the city planner.

35.0404 **PLANNING REVIEW.** Upon acceptance of the application for preliminary plat, the city planner shall distribute one copy of the preliminary plat, with a request for written comments within seven (7) days, to the following city departments and agencies. Utility company names listed below shall be construed to include their successors:

35.0404.1 City Engineer.

35.0404.2 City Attorney.

35.0404.3 Public Works Director.

35.0404.4 Fire Marshal

35.0404.5 Police Chief.

35.0404.6 Building Official.

35.0404.7 Water Works Manager.

35.0404.8 United States Department of Agriculture (Natural Resources Conservation Service), if appropriate for erosion control.

35.0404.9 Jasper County Planner, if the plat is located outside the city's corporate limits.

35.0404.10 Jasper County Auditor, if the plat is located outside the city's corporate limits.

35.0404.11 Jasper County Sanitarian if septic system is proposed.

35.0404.12 Newton Community School District.

35.0404.13 Electric power utility company

35.0404.14 Natural gas utility company

35.0404.15 Telephone utility company

35.0404.16 Cable television utility company

The city departments and agencies shall review the preliminary plat for accuracy and compliance with the regulations herein and other regulations which may apply.

35.0405 **PUBLIC NOTICE.** Upon acceptance of the application for preliminary plat, the city planner shall publish notice of the planning commission's public meeting as prescribed in §§362.3 and 414.4 Code of Iowa or and successor provisions thereto. The city planner shall also mail notice of said public meeting to all property owners of record within 200 feet of the outer boundaries of the preliminary plat. The notice shall be mailed a minimum of 7 days prior to the public meeting.

35.0406 **PLANNING COMMISSION REVIEW.** The city planner shall report, within the context of the planning commission's staff report, a summary of the city departmental and agencies comments, or where appropriate will attach each departmental comments to the planning commission's staff report.

After receiving the city planner's staff report, the planning commission shall consider the application for preliminary plat. The planning commission then shall examine the preliminary plat and consider the following:

35.0406.1 Conformity with the comprehensive plan, Zoning Ordinance, and this chapter.

**35.0406.2** Any recommendations of the City Planner and/or other reviewing agencies in §35.0404 of this chapter.

**35.0407 PLANNING COMMISSION ACTION.** The planning commission shall act on the preliminary plat to also include all phases of a preliminary plat if "phased", within forty-five (45) days after the date of submission thereof to the community development department. The planning commission action shall be expressed by a recommendation of approval or disapproval made to the city council. An approval recommendation shall include stated conditions of such approval. A disapproval recommendation shall state the planning commission's reason for disapproval. After the planning commission recommendation has been made, the preliminary plat and if "phased", all phases thereof, shall be forwarded to the city council by the community development department.

**35.0408 CITY COUNCIL ACTION.** The preliminary plat presented to the city council shall be substantially identical to the plat acted upon by the planning commission. It shall be the developer's responsibility to submit to the engineering department twelve (12) copies of said plat at least ten (10) days prior to the city council hearing of this preliminary plat. City council approval of the preliminary plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted, and an authorization to proceed with the final preparation of specifications, engineering construction drawings, and final plat.

**35.0409 PRELIMINARY PLAT TIME LIMIT.**

**35.0409.1 Approval of the preliminary plat** or the first part thereof if phased, shall become null and void unless the final plat is presented to the planning commission within one (1) year after the date of approval of the preliminary plat by the city council. If the proposed preliminary plat is phased, the second phase of the preliminary plat will remain valid for only two (2) years after the date of approval of the preliminary plat by the city council and the balance of the remaining preliminary plat will remain valid for only three (3) years after the date of the preliminary plat by the city council.

**35.0409.2 A one (1) year extension of the preliminary plat,** or any part thereof if phased, may be granted by the city council upon written request by the developer to the city planner and upon submittal of any required fee. If the city council finds they are reasonably assured the public improvements will be completed and the final plats will be filed they may grant an extension of the preliminary plat. If the developer applies for an extension of time for any part of a phased preliminary plat, which is subsequently granted by the city council, the remaining phases shall automatically be extended.

**35.0409.3 A developer shall apply only once** for a one (1) year extension of the preliminary plat, whether or not the preliminary plat is phased. The developer, not the city, shall be responsible for ensuring compliance with the one (1) year time limit.

**35.0410 PRELIMINARY PLAT INFORMATION.** A preliminary plat shall be based on a legal description of the property as shown by the land records in the county recorder's office. A preliminary plat shall meet the design standards set forth in these regulations. Plats shall be (a) drawn to a scale of not less than one inch equals one-hundred (1" = 100') feet, on a sheet size of twenty-four (24) inches by thirty-six (36) inches in size; (b) shall list a professional land surveyor licensed in the State of Iowa; and (c) shall illustrate the following information:

**35.0410.1** Name of subdivision.

**35.0410.2** Name and addresses of owner, developer, engineer and licensed professional land surveyor.

**35.0410.3** Scale specified and bar scale.

**35.0410.4** North arrow and date.

**35.0410.5** Title "preliminary plat" and complete official legal description of the boundary of the property to be subdivided.

**35.0410.6** If phasing of subdivision is proposed, noted and indicated on plat.

**35.0410.7** Proposed location and size of lots, alleys, easements, streets and other proposed dedicated areas shall conform to the current Zoning Ordinance, or the developer's proposed zoning plan.

**35.0410.8** Where applicable, boundaries of the (FP) flood plain overlay zone.

**35.0410.9** All existing structures within the boundaries of the proposed subdivision.

**35.0410.10** All existing utilities in, or on streets adjoining the area to be platted. Utility extensions and/or street extensions necessary to properly develop subdivision and adjoining area.

**35.0410.11** All lands and/or subdivisions shall be shown for a distance of two hundred (200) feet from all sides of land in question illustrating location, names and width of streets, alleys, roads, highways, driveways, intersections, curb cut, buildings, utility rights-of-way or easements, names of adjoining subdivisions, and names of the owners of adjoining parcels, etc.

**35.0410.12** Location of section and quarter-section lines in relation to plat.

**35.0410.13** Proposed street names in conformance with the city street grid map on file with the city planner.

**35.0410.14** Other data including but not necessarily limited to the following:

**35.0410.14(A)** A tabulation of total acreage of the subdivision, number of lots for each zoning classification and acreages designated to other uses.

**35.0410.14(B)** Existing and proposed contours shown on proposed subdivision with maximum intervals of two (2) feet and the centerline grade for proposed streets shown in percentage of grade. The datum plane for bench mark elevations and contours shall be based on U.S.G.S. datum. If applicant does not propose to grade any portion of the subject property, it shall be so indicated on the plat.

**35.0410.14(C)** Delineation and acreage of areas to be dedicated or reserved for public use such as schools, parks, playgrounds, churches, open space and public streets.

**35.0410.14(D)** Location and character of proposed utilities and facilities, including preliminary storm sewer and preliminary sanitary sewer location and sizes.

**35.0410.14(E)** Location, widths, and other dimensions of proposed streets, alleys, pedestrian way and easements.

**35.0410.14(F)** Layout, numbers and approximate dimensions of proposed lots and blocks with square foot area of non-rectangular lots. Lots to be dimensioned to nearest foot.

**35.0410.14(G)** Building setback lines or restrictions with dimensions.

**35.0410.14(H)** Drainage channels, wooded areas, and other significant natural features. Designate areas to be preserved.

**35.0410.14(I)** Existing sewers, water mains, culverts or other underground structures within the tract and immediately adjacent thereto. If water mains and sewers are not on or adjacent to the tract, direction and distance to nearest ones shall be shown, including preliminary invert elevations of sewers, based on U.S.G.S. datum.

**35.0410.14(J)** Location, widths, and names of all existing or platted streets or other public ways within and immediately adjacent to the tract, existing permanent buildings, railroad rights-of-way, section lines and other such important features.

**35.0410.14(K)** A vicinity map shall be presented accompanying or included on the preliminary plat showing the geographic relationship to the proposed subdivision to the surrounding area. Features to be noted include major street patterns, land uses, public areas and others affecting the project; vicinity maps shall be prepared at a scale of no smaller than one (1) inch equals one thousand (1,000) feet.

**35.0410.14(L)** Statement of proposed curbs, gutters, sidewalks, street surfacing, and street sub-structure, water supply, sanitary sewer facilities and storm sewer facilities.

**35.0410.14(M)** Two (2) copies of centerline profiles of proposed streets showing percentages of grades and length of vertical curves.

**35.0410.14(N)** Temporary (during construction) and permanent (after construction) erosion control measures to be included in the project as specified in §35.0911 of this chapter.

#### **Article 5: Final Plat**

**35.0501 FINAL PLAT PROCEDURES.** The final plat shall substantially conform to the preliminary plat as approved by the city council and may comprise all or a part of the approved preliminary plat.

**35.0502 APPLICATION.** An application for a final plat shall be submitted to the engineering department at least three (3) weeks prior to the planning commission meeting at which the plat is to be heard. The following shall be submitted with the application:

**35.0502.1 Application fee.**

**35.0502.2** Three (3) photographic mylar (or similar material) copies of the plat ( after city council approval of said final plat).

**35.0502.3** Twelve (12) copies at one inch equals 100 feet scale of the plat and one (1) 11"x 17" legible copy.

**35.0502.4** Statement listing all owners of record of the land being subdivided.

**35.0502.5** Statement listing all waivers being sought in accordance with §35.1001 - 35.1003.

**35.0502.6** Certified and approved plans and profiles of all streets, alleys, sanitary and storm sewers, water mains, sidewalks and other appurtenances in accordance with Article 9, or a statement by the City Engineer that improvements have been installed to City standards and are ready for acceptance.

**35.0502.7** Protective covenants or restrictions to be imposed upon the subdivision.

**35.0502.8** Performance and/or maintenance bonds in accordance with Article 9.

**35.0502.9** A list providing the property address, owner and their mailing address of all properties within two hundred (200) feet of the exterior boundaries of the plat, obtained from the Jasper County recorder's office.

**35.0502.10** An electronic copy of the proposed subdivision in a format consistent with City computer equipment and programs, if available without undue burden to the applicant.

**35.0502.11** Any other supplemental material as specified in this chapter.

**35.0503** **PLANNING REVIEW.** Planning review and public notice shall be identical to the review and notice for preliminary plats, as provided for in §35.0404 and §35.0405.

**35.0504** **PLANNING COMMISSION REVIEW.** The city planner shall report, within the context of the planning commission's staff report, a summary of the city departmental and agencies comments. Or where appropriate will attach each departmental comments to the planning commission's staff report.

After receiving the city planner's staff report, the planning commission shall consider the final plat. The planning commission then shall examine the final plat and consider the following:

**35.0504.1** Conformity with the comprehensive plan, Zoning Ordinance, this chapter and the preliminary plat.

**35.0504.2** Any recommendations of the city planner and/or other reviewing agencies in §35.0503 of this chapter.

**35.0505** **PLANNING COMMISSION ACTION.** The planning commission shall act on the final plat within forty-five (45) days after the date of submission thereof to the community development department. The planning commission action shall be expressed by a recommendation of approval or disapproval made to the city council. A disapproval recommendation shall state the planning commission's reason for disapproval. After the planning commission recommendation has been made, the final plat shall be forwarded to the city council by the planning department.

**35.0506** **CITY COUNCIL ACTION.**

**35.0506.1** **Before the city council approves the final plat,** all of the required improvements shall be constructed and maintenance bonds shall be posted, or performance bonds shall be posted for improvements. The final approval of the plat by the city council will not constitute final acceptance by the city of any improvements until the improvements are inspected by the city engineer, who shall submit a statement that all improvements have been completed in conformance to city specifications.

**35.0506.2** **The final plat presented to the city council** shall be substantially identical to the plat acted upon by the planning commission. It shall be the developer's responsibility to submit to the community development department ten (10) copies of said plat at least ten (10) days prior to the city council hearing of this final plat. Upon approval of the final plat by the city council, a certificate of approval on three (3) mylar (or similar material) copies of the plat shall be signed by the chairperson and secretary of the planning commission, mayor and city clerk. Where the subdivision is located outside the city's corporate limits signatures shall also include the chairperson of the Jasper County board of supervisors.

**35.0507** **APPROVED FINAL PLAT RECORDING.** Upon completion of §35.0506 of this chapter, the developer shall record three photographic mylar (or similar material) copies with original signatures on the plat with the Jasper County Recorder's office. One recorded mylar (or similar material) copy of the plat shall be given to the Newton Community Development Department by the developer.

**35.0508** **ADDRESSING AND DISTRIBUTION OF FINAL PLAT.** After a recorded copy of the approved Final Plat has been provided to the Community Development Department, the City Planner shall provide a copy of the Final Plat with addresses for each lot to the City of Newton Postmaster and each utility company.

**35.0509** **FINAL PLAT TIME LIMIT.** Approval of the final plat shall become null and void ninety (90) days from the date of city council approval, if the developer does not file the final plat with the county recorder as provided in §35.0507 of this article. It shall be the responsibility of the developer to furnish the city planner documentation of compliance within the ninety (90) day period. One extension may be granted for a thirty (30) day period, by the city council upon written request of the developer and submittal of the required fee to the city planner.

**35.0510** **BUILDING PERMIT ISSUANCE.** Building permits will not be issued to allow construction on lots fronting platted streets until all adjacent dedicated public improvements are in place and ready for connection thereto and the final plat has been recorded in conformance with §35.0507 of this article.

**35.0511** **FINAL PLAT INFORMATION.** The developer shall prepare and submit a final plat at a scale of not less than one inch equals one-hundred feet (1"=100'). The plat shall be prepared and certified by a professional land surveyor licensed in the State of Iowa. The subdivision plat shall meet all applicable provisions of Chapter 354 and 355 of the State Code. The plat, including all

signatures, shall be drawn with permanent black ink on photographic mylar (or similar material) and shall be a minimum of eleven (11) inches by seventeen (17) inches and a maximum of twenty-four (24) inches by thirty-six (36) inches in size. If necessary, as in the case of a large subdivision, the final plat may be on more than one mylar (or similar material) sheet to accurately illustrate the land to be subdivided, provided: (a) each sheet shall display both the number of the sheet and the total number of sheets included in the plat; (b) clearly labeled match lines indicating where the other sheets adjoin; and (c) an index sheet/sketch shall be included to show the relationship between the sheets. Information on the final plat shall include:

**35.0511.1** Name of subdivision and location by section, township and range.

**35.0511.2** North arrow and bar scale.

**35.0511.3** Descriptive boundary of the subdivision based on an accurate traverse giving angular and linear dimensions and shown by heavy dashed lines, and the location of section and quarter section lines in relation to the plat. Any boundary line along a horizontal curve shall be described by long chord and bearing, as well as by radius, direction (left or right), and arc distance. The exterior boundary traverse closure with a maximum allowable error of closure on any portion of the final plat shall be one (1) foot in ten thousand (10,000) feet and one (1) foot in five thousand (5,000) feet for any individual lot.

**35.0511.4** The exact location and layout of lots, streets, alleys and other public grounds, with accurate dimensions in feet and decimals of feet, interior angles or bearings, length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground, together with the names of the streets, and lots and block numbers.

**35.0511.5** Location, use and width of all required easements. Perpetual easements shall be granted across a ten (10) foot wide strip of land abutting all front boundary lot lines. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted. The subdivider shall grant perpetual easements to the public utilities, their successors and assigns, using said easements to erect, operate, maintain, repair and renew, cables, conduits, and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across all open spaces, common ground, recreational areas and non-public roads, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights therein granted.

**35.0511.6** Location and description of monuments found and set.

**35.0511.7** Building setback or restriction lines with dimension.

**35.0511.8** Certificate signed by a licensed professional land surveyor, in conformance with 193c Chapter 6-1 of the Iowa State Administrative Code.

**35.0511.9** Dedication form and certificate signed and acknowledged before a notary public by all parties having any recorded interest in the land subdivided, consenting to the plat including dedication of all streets, alleys, and public ways and dedication of parks or other public grounds, and granting any necessary or required easements. (Refer to Appendix "A").

**35.0511.15** Certificate for the recommended approval and acceptance of the planning commission to be signed by the chairperson and secretary. (Refer to Appendix "B")

**35.0511.16** Certificate for the approval of the city council to be signed by the mayor and attested by the city clerk. (Refer to Appendix "B")

**35.0511.17** A notation must be placed on the face of the Final Plat indicating that sidewalks are required for all lots and must be installed at the time the lots are developed or as otherwise directed by City Council.

**35.0511.18** Any variances, waivers or special notations that pertain to the subdivision plat.

## **Article 6: Minor Subdivisions**

**35.0601** PURPOSE AND INTENT. To simplify the approval procedures in those subdivisions for which all required public improvements are in place as specified in Articles 9 and 10. The purpose of the minor subdivision is to waive the preliminary plat procedure when the conditions in §35.0602, below, have been met.

**35.0602** MINOR SUBDIVISIONS DEFINED. For purposes of this chapter the developer may be eligible to seek subdivision approval as a minor subdivision if all of the following conditions are met:

**35.0602.1** All of the lots of the subdivision abut an existing public road, highway or street.

**35.0602.2** No new street, public or private, within the subdivision is proposed, nor is any new street, public or private, required by the city in order to assure adequate access to an existing public road, highway or street from any of the lots of the subdivision.

**35.0602.3** All city service systems and public improvements are already extended so that each system is readily accessible for direct and individual service connection thereto from each lot in the subdivision. Sidewalks are not considered part of the public improvements that need to be in place or accessible before a property is eligible to apply for a minor subdivision. However, sidewalks will be required for all lots created in the minor subdivision as per the requirements of §35.0906

**35.0603** **MINOR SUBDIVISION PROCEDURES.** Upon the findings of the pre-application conference, as required in Article 3 of this chapter, and the determination of the city planner that the proposed subdivision meets the conditions as specified in §35.0601 above, a developer may be permitted to proceed with a minor subdivision.

**35.0604** **MINOR SUBDIVISION APPLICATION.** An application for minor subdivision shall be submitted to the community development department at least three (3) weeks prior to the planning commission meeting at which the plat is to be heard. The following shall be submitted with the application.

**35.0604.1** **Application fee.**

**35.0604.2** **Three (3) photographic mylar (or similar material) copies of the plat after approval by the City Council .**

**35.0604.3** **Fourteen (14) copies at one inch equals 100 feet scale and one (1) 11" x 17" of the plat.**

**35.0604.3** **Statement listing all owners of record of the land being platted.**

**35.0604.4** **A list providing the property address, owner and their mailing address** of all properties within two (200) feet of the exterior boundaries of the plat, obtained by the Jasper County recorder's office.

**35.0604.5** **An electronic copy of the proposed subdivision** in a format consistent with City computer equipment and programs, if available without undue burden to the applicant.

**35.0604.6** **Any other supplemental material as specified in this chapter.**

**35.0605** **APPLICATION ACCEPTANCE OR REFUSAL.** Upon submittal of the minor subdivision plat the community development department shall review the plat to ensure all data required has been provided. The submitted application and supplemental materials shall then be forwarded to the city planner and city engineer for review of correctness of form. Specifically, the city planner and city engineer shall refuse to process a minor subdivision plat if one or more of the following conditions are present:

**35.0605.1** **The proposed lots violate the city zoning or subdivision ordinance.**

**35.0605.2** **The plat would require the vacation of any necessary easements.**

**35.0605.3** **In the opinion of the city planner the plat does not conform to the comprehensive plan or other plans for the area.**

If any of the above conditions are found and the developer wishes to proceed to subdivide, the preliminary plat (Article 4) and final plat procedures (Article 5) shall be adhered to.

**35.0606** **PLANNING REVIEW.** Planning review and public notice shall be identical to the review and notice for preliminary plats, as provided for in §35.0404 and §35.0405.

**35.0607** **PLANNING COMMISSION REVIEW.** The minor subdivision plat shall be reviewed by the planning commission in accordance with the planning commission review of a final plat in §35.0504 of this ordinance.

**35.0608** **PLANNING COMMISSION ACTION.** The planning commission shall act on the minor subdivision in accordance with the planning commission action of a final plat in §35.0505 of this chapter.

**35.0609** **CITY COUNCIL ACTION.** The minor subdivision plat presented to the city council shall be substantially identical to the plat acted upon by the planning commission. It shall be the developer's responsibility to submit to the engineering department ten (10) copies of said plat at least ten (10) days prior to the city council hearing of this minor subdivision plat. Upon approval of the minor subdivision plat by the city council, a certificate of recommended approval by the planning commission and approval by the mayor and city council shall be signed by the chairperson and secretary of the planning commission, mayor and city clerk (Refer to Appendix "B").

**35.0610** **APPROVED MINOR SUBDIVISION PLAT RECORDING.** The minor subdivision shall be recorded in accordance with §35.0507 of this chapter.

**35.0611** **ADDRESSING AND DISTRIBUTION OF MINOR SUBDIVISION PLAT.** After a recorded copy of the approved Minor Subdivision Plat has been provided to the Community Development Department, the City Planner shall provide a copy of the plat with addresses for each lot to the City of Newton Postmaster and each utility company.

**35.0612 MINOR SUBDIVISION PLAT TIME LIMIT.** Minor subdivision plats shall become null and void in accordance with §35.0509 of this chapter, unless an extension is granted as per said section.

**35.0613 MINOR SUBDIVISION PLAT INFORMATION.** The minor subdivision plat shall be prepared in accordance with §35.0511 of this chapter.

#### **Article 7: Plats of Survey**

**35.0701 PURPOSE AND INTENT.** The purpose and intent of this ordinance is to provide an approval procedure for the first two divisions of a 40 acre aliquot part or the division of a platted lot and the transfer of ownership to the individual parts thereof. This process shall be allowed where all required improvements are in place as specified in Article 9 and 10 or no public improvements are proposed. To allow for staff review and approval of lot splits, lot line adjustments and the division of duplex ownership.

**35.0702 APPLICABILITY.** For the purposes of this chapter the owner may be eligible to submit a plat of survey if any of the following conditions are met:

**35.0702.1 Lot Line Adjustment.** A lot line adjustment consists of the resetting of an interior lot line between lots in a platted subdivision to reconfigure, consolidate, or adjust the boundaries of adjoining lots, which do not violate the Zoning Ordinance.

**35.0702.2 Division of Tract into Two Parcels.** A division of a tract into two parcels where all City service systems and public improvements are extended so that each system is readily accessible for direct and individual connection from each lot in the subdivision.

**35.0702.3 Division of Duplex Lots.** Where a side-by-side residential duplex dwelling is legally constructed on an existing lot located in a subdivision for which the subdivision plat has been duly recorded, and providing that the dwelling met the bulk zoning regulations at the time it was constructed, the lot may thereafter be divided to provide individual ownership of the duplex units by the following procedure:

**35.0702.3 (A)** A plat of survey showing the as-built location of the duplex structure on the lot shall be filed with the City Planner. The plat of survey shall provide a reference to this code section and indicate the purpose for which the plat is prepared. The plat shall also locate the new ownership division line along the common wall of the structure and provide individual legal descriptions for each new parcel. If approved by the City Planner and Public Works Director and following review and approval by the County Auditor and Recorder, a deed may thereafter be recorded effecting the lot division. A copy of the recorded deeds and plat of survey shall be filed with the City.

**35.0702.3 (B)** In the event the duplex or part thereof is removed or destroyed, the duplex unit may be reproduced or reconstructed as before but the newly created lots may not otherwise be considered buildable lots unless the proposed construction meets the zoning setback and bulk requirements for the zoning district in which it is located.

**35.0703 APPLICATION.** A plat of survey will be submitted to the Community Development Department to be reviewed and approved by the City Planner prior to submittal to the Jasper County Recorder and Auditor. The City Departments shall review the plat to ensure the following required data has been provided:

~~(a) Application fee as set by City Council Resolution.~~

(b) Three (3) copies of the plat a minimum of 8-1/2 inches x 14 inches and a maximum of 24 inches by 36 inches. The plat of survey shall include a subtitle stating the category of the plat from §35.0703 and a notation about the purpose of the land division.

**35.0704 REVIEW.** The City shall review a plat of survey within seven (7) days of submittal and either approve or return to the applicant with a request for additional information. Upon resubmittal, the City shall approve the plat unless it violates existing City Ordinances, or State law, except in the case of duplex division with respect to minimum lot size and lot coverage. Upon approval, the plat shall be filed in accordance with Chapter 355 or applicable succeeding chapters of the Code of Iowa and one recorded copy shall be returned within seven (7) days to the City Planner for use in maintaining the City's plat records. Failure to return a recorded copy shall invalidate the plat of survey.

#### **Article 8: Minimum Design Standards**

**35.0801 GENERAL.** No subdivision plat shall be approved unless it conforms to the minimum design standards in this chapter and the following plans, laws, rules and regulations:

**35.0801.1 All applicable** provisions of the Code of Iowa as amended.

**35.0801.2 All applicable** provisions of the City of Newton, Iowa, City Code as amended.

**35.0801.3 The comprehensive** plan.

- 35.0801.4 All applicable rules of the Iowa Department of Transportation.
- 35.0801.5 All applicable federal statutes, standards and regulations.
- 35.0801.6 The minimum design criteria established in The Urban Standard Specifications and Urban Design Standards manual, or its successor.
- 35.0801.7 Other applicable standards and requirements of all boards, commissions, departments, divisions, agencies and officials of the city adopted pursuant to any law or ordinance.

This chapter provides minimum standards and requirements, more stringent criteria may be required of the developer by the city.

**35.0802 SUITABILITY OF LAND.** Land subject to excessive erosion, or steep or unsuitable slopes and which, for these reasons, is unsuitable for development, shall not be platted for any use that will constitute a danger to health; safety or property, unless adequate methods are formulated by the subdivider and approved by the city, to correct the unsuitability of the land. Suitability of land is specifically outlined in the comprehensive plan.

**35.0803 PRESERVATION OF NATURAL FEATURES.** Natural features that add aesthetic value to the development and the community, such as trees or shrubs, natural streams, hill tops and scenic views should be preserved wherever reasonably possible. These natural features shall be noted on the preliminary plat.

**35.0804 STREETS AND ALLEYS.**

**35.0804.1** The arrangements, classification, extent, width, grade and location of all streets shall conform with the comprehensive plan and §35.0805 of this chapter and shall be designed in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

**35.0804.2** Where such is not shown in the comprehensive plan, the arrangement of streets in a subdivision shall either:

**35.0804.2(A)** Provide for the continuation or appropriate projection of existing streets in surrounding areas.

**35.0804.2(B)** Conform to a plan for the neighborhood approved or adopted by the City of Newton to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

**35.0804.3** Local streets shall be so laid out that their use by through traffic will be discouraged.

**35.0804.4** Where a subdivision abuts or contains an existing or proposed collector or arterial street or highway, the city will require: frontage roads abutting the street or highway, or reverse frontage lots with screen planting contained in a non-access reservation at least ten (10) feet wide along the rear property line, and/or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

**35.0804.5** Flag lots controlling public access to streets may be considered depending upon site constraints, to be determined at pre-application conference.

**35.0804.6** Street intersections with centerline off sets of less than one hundred and twenty-five (125) feet shall not be permitted.

**35.0804.7** When the centerline of the streets extended deflect at any one point they shall be connected by a horizontal curve.

**35.0804.8** Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees.

**35.0804.9** The right-of-way widths, pavement widths (back to back of curb), street grades and the sight distance for streets and alleys in any subdivision, shall conform to §35.0805 of this chapter.

**35.0804.10** Cul-de-sac streets shall not exceed five hundred (500) feet in length and may include a center island if a permanent private maintenance agreement is recorded.

**35.0804.11** The horizontal and vertical alignment of all streets shall be governed by sight distance and design speed and shall not be less than that shown in §35.0805 of this chapter or as required by the AASHTO Standards.

**35.0804.12** No street grade shall be less than one-half (1/2) of one percent (1%).

**35.0804.13** Permanent dead-end streets shall be prohibited, unless such dead-ending is temporary and designed to connect with future streets in adjacent land that has not been platted. A temporary turn-around with barricading meeting City standards shall be provided until such time as the street will be continued.

**35.0804.14** Intersections of more than two (2) streets shall be prohibited.

**35.0804.15** Streets shall be identified with names or numbers and they shall not duplicate or be confused with the names or numbers of existing or platted streets. Streets that will be a continuation of existing streets shall be called by the names or numbers of the existing streets. Street names or numbers will be coordinated with the city planner and designated by the city.

**35.0805 STREET DESIGN STANDARDS**

Description	Cul-De-Sac	Frontage Street	Local Street	Collector	Arterial
Design Speed	25 mph	25 mph	30 mph	35 mph	40 mph
Maximum Street Grade	6%	6%	10%	8%	6%
Radius of Horizontal Curve	100'	100'	100'	250'	400'
Tangents between Reverse Curve	50'	50'	50'	100'	100'
Right-of-Way Width	110'	50'	60'	70'	80'
Back to Back Curb Pavement Width	81'	25'	31'	39'	49'
Back to Back Sidewalk Width	4'	4'	4'	4'	4'

**35.0805.1** Greater slopes will require issuance of a waiver from the city engineer, and special design consideration to accommodate sidewalks that meet Americans with Disabilities Act (ADA) criteria.

**35.0806 EASEMENTS.** Easements for public and private utilities, open space, walkways, hike/bike trails, and water courses, shall be provided where needed.

**35.0806.1** Such easements shall be a minimum of ten (10) feet total width for private utilities only, and fifteen (15) feet total width for combined private utility and walkway easements. Proper coordination shall be established between the developer, community development department, and the utility companies for the establishment of utility easements.

**35.0806.2** Perpetual unobstructed easements of ten (10) feet in total width may be required along front, side, and rear lot lines.

**35.0806.3** Drainage easements will vary in width depending upon drainage requirements with minimum width of 10'.

**35.0806.4** Easements for dedicated public utilities shall be a minimum of ten (10) feet on either side of the center line of the utility.

**35.0806.5** A fifty (50) foot buffer strip easement shall be provided for all lots adjacent to Interstate 80. This fifty (50) foot easement shall be part of the platted lots and shall be designated on the plat. All easements shall be identified on the preliminary and final plats and the purpose noted in writing on the final plat.

**35.0806.6** For subdivisions containing land that is a part of or accessible to the City-Wide Hike/Bike Trail Network, as designated by the Comprehensive Plan, and the trail alignment is not within the public right-of-way, an easement of at least thirty feet in width must be dedicated to the City to accommodate such trail through the subdivision. The installation of the trail will be the responsibility of the City.

**35.0807 BLOCK WIDTH AND LENGTH.** Subdivisions blocks shall conform to the following standards:

**35.0807.1** Block length shall not exceed one thousand (1000) feet. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured along the center of the block.

**35.0807.2** Pedestrian access walkway easements not less than ten (10) feet wide may be required in blocks longer than five hundred (500) feet where such walkways are deemed to be essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

**35.0807.3** The width of blocks shall generally be sufficient to allow two (2) tiers of lots .

**35.0808 LOT STANDARDS.** Subdivision lots shall conform to the following minimum standards:

**35.0808.1** Lot dimensions and area shall conform to the requirements of the Zoning Ordinance.

**35.0808.2** Platting of lots for multiple family commercial and industrial purpose shall include adequate space for off-street parking, service areas, service access, or frontage access roads.

**35.0808.3** Satisfactory access from a public street shall be provided for all lots.

**35.0808.4** Double frontage lots shall be avoided, except where said lot abuts a collector or arterial roadway as stated in §35.0804.4.

**35.0808.5** Corner lots shall be of extra width sufficient to maintain building lines of both streets as required in the Zoning Ordinance.

- 35.0808.6 Side lot lines shall be at right angles or radial to street lines.
- 35.0808.7 Excessive depth in relation to width of lots over two and one-half (2 1/2) to one (1) shall be avoided.
- 35.0808.8 Flag lots, being those lots land locked from a public right-of-way, except for a narrow tract of land of less width than required, shall be avoided except where development cannot be reasonably accomplished without their use. Any flag lots being proposed shall be accompanied with a statement of justification of purpose. Site design of flag lots will be judged on their own merits and shall be labeled as private access to the property in question. Flag lots shall provide adequate public access for fire protection. The minimum width for the narrow "flag pole" portion of a flag lot connecting it to the public right of way is 30 feet.
- 35.0808.9 Larger than normal lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate re-subdivision with provision for adequate utility connections for such re-subdivision. Dedication of easements or public right-of-way for future openings and extensions of such streets may be required.
- 35.0808.10 Residential lots fronting on a primary or secondary arterial street shall be avoided.
- 35.0809 SOIL REPORTS.
- 35.0809.1 Where a public sanitary sewer is not available as defined by the current sewer connection ordinance, a private sewage disposal system may be installed to benefit the subdivision provided the developer:
- 35.0809.1(A) Submits a soil report or percolation test acceptable to the Jasper County sanitarian for each lot.
- 35.0809.2 Soils reports may be required by the city to verify pavement design, free water tables and soil suitability for utility installation and street construction purposes.
- 35.0810 FLOOD PLAIN RESTRICTIONS.
- 35.0810.1 In the event all or portions of a proposed subdivision lie within a flood plain zone or a flood plain zone as defined by the zoning ordinance of the city, or by a flood insurance rate map published by the Federal Insurance Administration, such areas shall be illustrated on the preliminary plat. The existence of flood plain area(s) within the proposed subdivision shall also be noted on the face of the final plat.
- 35.0810.2 A Flood Plain Development Permit shall be issued by the city planner prior to any development of the property in the flood plain, including but not limited to grading, paving, excavation or construction of capital improvements. Every lot created by the subdivision must provide adequate buildable space located entirely outside of the flood plain.
- 35.0811 PRIVATE STREETS
- 35.0811.1 The City may consider approval of private streets and access easements under the following circumstances:
- 35.0811.1(A) When the street is a cul-de-sac or loop street;
- 35.0811.1(B) When the street will serve a very limited group of people and is designed and situated so as to discourage use by the general public;
- 35.0811.1(C) When the street is proposed in a location for which adequate right-of-way does not exist to meet public street standards because of natural topographical conditions; or
- 35.0811.1(D) When the street will serve as access and/or required frontage for only one single family dwelling unit.
- 35.0811.2 Private streets and access easements shall meet all requirements for public improvements with the exception that private streets and access easements which serve as public access to or provide required frontage for only one single-family residence need not be terminated with a circular turnaround. All private streets and access easement streets shall be installed and constructed in accordance with plans, profiles, and cross sections as per City Standards submitted to and approved by the City Engineer.
- 35.0811.3 The owners and/or assigns of private streets and access easements shall be responsible for maintenance of said streets, and the City shall have no liability for injuries or damages sustained on the premises.
- 35.0812 STORM WATER MANAGEMENT
- 35.0812.1 Any subdivision shall make adequate provision to control the rate of storm or flood water runoff by storm water management measures necessary and appropriate for carrying away by pipe or surface channelization any water that may exist at the time of subdivision or be reasonably expected to be created by development or use of the area to be subdivided.
- 35.0812.2 Storm water management measures must be designed to accommodate upstream runoff and to prevent the increase in the volume and rate of flow of storm water runoff to downstream properties.

## Article 9: Capital Improvements

**35.0901 GENERAL.** The method and financing by which public improvements are installed in a subdivision is a matter of mutual concern to the developer and the city. These improvements become permanent features of the community and could be a financial burden to the developer and a continual maintenance cost to the city. It is the intent of this ordinance to provide for adequately sized, properly located, and properly installed improvements through the prescribed rules and minimum standards of this chapter. The developer shall construct and install the improvements in accordance with the city of Newton Standard Specifications for construction within the public right-of-way. Upon approval of both the preliminary plat and the plans and specifications as required within these regulations, the developer may construct and install the required subdivision improvements prior to submitting the final plat for approval.

### **35.0902 BOND REQUIREMENTS.**

**35.0902.1 Performance bonds for improvements shall** be in full force and effect until acceptance of the improvements by the city at which time the maintenance bonding period shall commence. Maintenance bonds will then be in full force and effect throughout the duration of the bond period as set by this chapter.

**35.0902.2 The amount of all bonds, or acceptable collateral shall** not be less than the estimated cost of the dedicated improvements, including all inspection services and tests conducted by the city. The amount of the estimate of the bond or acceptable collateral must be approved by the city engineer.

**35.0902.2(A) Performance Bond.** The subdivider may post a surety bond, cash bond, or certified check with the city, guaranteeing that said improvements will be constructed within a period of one (1) year from city council approval of the final plat, however, if surety bond, cash bond, or certified check is posted, city council approval of the plat will not constitute final acceptance by the city of any improvements to be constructed. Improvements will be accepted only after their construction has been completed and inspection by appropriate city personnel certifying the improvements have been completed in conformance with specifications and the minimum standards of the city. No public funds will be expended in the subdivision until such improvements have been completed and accepted by the city. The performance bond on public improvements not completed at the time of filing of the final plat include:

**35.0902.2(A)(1) Concrete Pavement.**

**35.0902.2(A)(2) Sanitary Sewers.**

**35.0902.2(A)(3) Storm Sewers.**

**35.0902.2(A)(4) Street Grading.**

**35.0902.2(A)(5) Water Mains, if constructed or installed by the developer.**

**35.0902.2(B) Maintenance Bond.** The subdivider shall be responsible for the installation and/or construction of all required improvements, and shall warrant the design, material, workmanship, installation, and/or construction of such improvements for a period of four (4) years from and after satisfactory completion for concrete pavement, grading sanitary sewers, storm sewers and water mains. Such warranty shall be by bond or other acceptable collateral, shall be subject to review by the city attorney, and shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the city from any and all costs or losses resulting from, attributed to, or otherwise arising from such defective improvements. The contractor may post the required maintenance bond in lieu of the subdivider.

### **35.0903 SURVEY MONUMENTATION.**

**35.0903.1 Establishment of Permanent Control Survey Monuments.** All monumentation of the subdivision shall be in accordance with the Code of Iowa.

### **35.0904 STREETS.**

**35.0904.1 Street Grading.** All full width streets located entirely within the boundary of the subdivision shall be graded to the full width to within six (6) inches of the finished grade. Such grading shall be completed or in lieu thereof a performance bond in an amount equal to the cost of doing such work shall be furnished to the City of Newton before the City Engineer certifies to the council that required improvements have been satisfactorily completed.

**35.0904.2 Street Surfacing.** All streets shall be portland cement concrete pavement, minimum seven (7) inches thick, on compacted subgrade and constructed in accordance with standard specifications for portland cement concrete paving. The term "streets" shall include curbs and gutters. All streets within the boundaries of the final plat shall be paved. Full depth asphalt cement concrete street will be permitted as an alternative between thirty (30) inch wide curb and gutter section upon completion of a pavement design by a certified soils engineer and approved by the Public Works Director.

**35.0904.3 Street Plans.** Paving plans shall be prepared and certified by a licensed professional civil engineer, submitted in three (3) copies, and approved by the Public Works Director prior to commencing construction.

**35.0904.4 Street Naming.**

**31.0904.4(A)** All public roadway running east and west be designated as Avenues and begin with the prefix of North or South and the suffix of East and West dependent on location from the baseline.

**31.0904.4(B)** All public roadways running north and south be designated as Streets and begin with the prefix of East or West and suffix of North or South dependent of location from the baseline.

**35.0904.4(C)** The numbering of all streets and avenues will be in accordance with the Official Street Name Map which designates Avenues to be spaced at 15 blocks per mile and Streets at 16 blocks per mile within the Existing Street System. All Streets and Avenues outside the Existing Street System will be spaced at 16 blocks per mile.

**35.0904.4(D)** Streets or avenues added to the existing system that are the natural extension of existing roadway or in the same alignment shall be assigned the name of the existing street or avenue.

**35.0904.4(E)** All extensions to the existing street system by plat or annexation from the date of this ordinance shall require council approval.

**35.0904.4(F)** The numbered system shall be used for all streets and avenues. Names will not be permitted, even for private streets.

**35.0904.4(G)** A street or avenue located on a mid block alignment shall be designated as a place instead of a one-half street.

**35.0905 STORM SEWERS OR DRAINAGEWAYS.** The developer shall be required to provide drains, inlets, manholes, and other facilities for adequate removal of all surface drainage in conformance with The Urban Standard Specifications and Urban Design Standards manual, or its successor.

**35.0905.1 Plans shall be prepared by a licensed professional civil engineer, submitted in three (3) copies, and approved by the Public Works Director.**

**35.0905.2 Storm sewers and appurtenances, and drainageways shall be designed to accommodate a: fifty (50) year twenty-four hour storm in residential, commercial and industrial areas; ; per Iowa Department of Natural Resources criteria for drainageways identified on the city's official flood plain map.**

**35.0905.3 Storm sewers shall extend through the subdivision to the next adjacent upstream property if so directed by the Public Works Director.**

**35.0905.4 Storm sewers or sump pump drain lines shall be extended as far as necessary to accommodate sump pump and drain water discharge toward streets.**

**35.0906 SIDEWALKS.** For all subdivisions, including minor subdivisions, a portland cement concrete sidewalk shall be provided within the dedicated right-of-way with a minimum width of four (4) feet and four (4) inches thick and located one foot in front of the property line.

**35.0906.1 Sidewalks shall be provided on both sides of a paved street within the subdivision.**

**35.0906.2 Sidewalks shall be placed parallel to any street abutting and/or running along the outer perimeter of the platted subdivision.**

**35.0906.3 Sidewalks shall be placed at the established grade for the street on which they are constructed.** The height of the sidewalk above the curb shall be one-half (1/2) inch per each one (1) foot run from the top of the curb to the street side of the sidewalk.

**35.0906.4 Sidewalks shall be laid flat with the side next to the lot one (1) inch higher than the side next to the street.** The sidewalk shall run in a straight line as nearly as possible, based on topography and vegetation constraints, and shall be parallel to the center line of the street.

**35.0906.5 For private streets, sidewalks shall be provided starting four feet from the back of the curb.**

**35.0906.6 Americans with Disabilities Act compliant sidewalk ramps shall be provided for all corner properties within a subdivision.**

**35.0906.7 Sidewalks shall be constructed for each lot prior to occupancy for a building located on the lot.** Should the property owner not install the sidewalk within thirty (30) days of the completion of the building, the city planner shall order it to be constructed and the costs assessed against the property.

**35.0907 SANITARY SEWERS AND SEPTIC SYSTEMS.** All sanitary sewers and appurtenant facilities shall be constructed in accordance with standard specifications for sanitary sewers.

**35.0907.1** Where a city approved sanitary sewer is accessible within four hundred (400) feet of the subdivision boundary, the developer shall be required to connect thereto and provide adequate sewer lines and stubs to benefit each lot. Sanitary sewer lines shall be extended to the edge of the plat when necessary for development of unplatted or platted adjoining land.

**35.0907.2** Plans shall be prepared by a licensed professional civil engineer, submitted in three (3) copies and approved by the Public Works Director and the Iowa Department of Natural Resources prior to commencing construction. The developer is responsible for obtaining the Iowa Department of Natural Resources approval.

**35.0907.3** Sewer lines and appurtenances shall be designed to meet waste water flow requirements and standards established and adopted by the city and other regulatory agencies. In any area officially designated as flood plain zone, sanitary sewers shall be designed to withstand flooding.

**35.0907.4** In the case sanitary sewer facilities are not accessible to the subdivision and individual private sewage disposal systems are proposed, minimum lot areas shall be one (1.00) acre.

**35.0907.5** If individual private sewage disposal systems are proposed soil percolations tests shall be made and a report on these tests prepared by a state licensed professional engineer will be submitted to the engineering department for approval by the city engineer and the Jasper County sanitarian. Approval must be obtained prior to installation of any private sewage disposal system. In any area officially designated as flood plain zone, private sewage disposal systems shall be prohibited.

**35.0907.6** Where any City of Newton approved sanitary sewer is not readily available for connection, but there are plans for availability requiring connection, the developer shall be required by agreement to pay or prepay, depending upon availability, any sewer connection fee or fees required by the city to be assessed against each property or lot to be served by the sewer prior to the approval of the final plat. The fees paid to the city will be used as the subdivision's share towards the construction of an outfall sewer main and/or towards the necessary improvement or enlargement of any treatment plant. Payment may be made at the time of the building permit application.

**35.0907.7** Whenever the main collector sewer line serving the subdivision within its boundaries is required to be more than eight (8) inches in diameter because it is designed to serve a greater area than the subdivision, the developer shall only be responsible for the cost of an eight (8) inch diameter line.

**35.0908 UTILITIES.**

**35.0908.1** All utility lines and mains including but not limited to gas and water mains, electrical power, telephone, cable television, street lighting lines shall be installed underground. The location(s) shall be shown on the preliminary plat. The developer shall be responsible for complying with the standards and specifications of the city or respective utility company. The developer shall also be responsible for making the necessary arrangements including any construction or installation charges with each of the serving utilities. Utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, and other facilities necessarily appurtenant to such underground utilities are not required to be underground. Such facilities shall be placed within easements or public rights-of-way provided for each particular facility. The requirement for electrical, telephone, and cable television utility lines to be installed underground does not apply within the I- L, Light Industrial or I- H, Heavy Industrial districts.

**35.0908.2** Water distribution systems shall be designed by a licensed professional engineer and approved by the Newton WaterWorks manager and city engineer prior to the installation by the developer. Water mains shall be extended to the edge of the plat when they are necessary for the development of unplatted adjoining land or an adjoining unimproved plat of record. In any area designated as flood plain zone, water distribution systems shall be designed to withstand flooding. Water mains shall be sized to meet the minimum criteria stated in Iowa Department of Natural Resources regulations.

**35.0908.3** The city fire marshal shall approve all fire hydrant locations.

**35.0908.4** Where any City of Newton approved water distribution system is not readily available for connection, but there are plans for availability requiring connection, the developer shall be required by agreement to pay or prepay, depending upon availability, any water connection fee or fees required by the utilities to be assessed against each property or lot to be served by the water system prior to the approval of the final plat. The fees paid to the utilities will be used as the subdivision's share towards the construction of the water main line and/or towards the necessary improvement or enlargement of the water plant.

**35.0909 PUBLIC FACILITIES AND OPEN SPACE.** Careful consideration shall be given to the selection of suitable sites for parks, schools, playgrounds, bike/ pedestrian trails, greenbelt walkways, open space, and other common open space and public

facilities for the public use which shall conform to the Comprehensive Plan. The developer shall indicate the location of such areas on the preliminary plat in order to determine the adequacy of the site to the City of Newton's and the Newton Community School District standards for land requirements. Such public sites, other than streets and alleys, shall be secured by the proper governing bodies, or arrangements made for the acquisition of the area from the developer at the cost of unimproved land, within a period not to exceed three (3) years of the recording date of the subdivision. Should such public sites not be approved and secured, by the proper governing bodies, in the time specified, the developer may request replatting for the purpose of resale. Said public sites shall be zoned initially to allow uses comparable with land contiguous to it in case it is not secured within said three (3) year period.

**35.0910 OTHER IMPROVEMENTS.**

**35.0910.1 Street Signs.** The developer shall furnish and cause to be erected at all intersections, street identification signs, and posts set in concrete in accordance with criteria established by the public works director. The signs shall be provided by the City, with the cost charged to the developer.

**35.0910.2 Planting Screens.** Planting screens may be proposed by the developer or required by the city along rear or side lot lines which border any divided highways, collector, arterial or frontage roads, and shall be illustrated on the preliminary plat.

**35.0910.3 Street Lights.** Installation of street lights by the electric power utility company shall be required in all subdivisions, by agreement between the developer and the electric power utility company. Street light locations shall be approved by the city public works director.

**35.0910.4 Fencing.** All fences and visual obstructions shall conform to the requirements of the Newton Zoning Ordinance. The developer shall be required to furnish and install fences wherever the city determines that a hazardous condition may exist. The height, material and design of the fence shall be reviewed by the planning and zoning commission and city council at preliminary plat time.

**35.0910.5 Debris and Waste.** No cut trees, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be left or deposited on any lot or street at the time of the acceptance of the public improvements, nor shall any of the above be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements.

**35.0910.6 Additional Improvements.** The installation of additional improvements may be required when deemed necessary in the best interest of the community.

**35.0911 EROSION CONTROL.**

**35.911.1** The developer shall construct temporary terraces on slopes, temporary silting basins, swales and spillways, and energy dissipation structures to reduce erosion, sedimentation and damage to adjacent properties and public rights-of-way from surface drainage during subdivision development.

**35.911.2** The developer shall further be required to seed the areas disturbed to control erosion caused by excavation and grading operations, including the installation of utilities.

**35.911.3** The developer shall meet all Iowa Department of Natural Resources stormwater pollution plan requirements.

**35.911.4** In the event that grading for future phases of a subdivision takes place before the final plats of said phases, the stockpiling of topsoil must be located away from existing development to the extent possible and erosion from the stockpiles must be prevented with silt fences, seeding, and other such measures.

**35.0912 INSPECTION.**

**35.0912.1 All construction shall be inspected by the city engineer** or a designated representative. Laboratory and field tests shall be taken when necessary. No construction will be permitted without proper inspection or accepted with unfavorable inspection or test reports. Inspection costs will be paid to the city by the developer at cost of salaries plus administrative cost plus laboratory testing fees.

**35.0912.2 Construction of streets and dedicated public utilities** will be accepted by the city only upon:

**35.0912.2(A)** Final inspection by city engineer.

**35.0912.2(B)** Posting of all required bonds.

**35.0912.2(C)** City engineer's certification of compliance with plans and specifications.

**35.0912.2(D)** Payment of all inspection costs and laboratory fees.

**35.0912.3** Public improvements are considered completed and accepted once a signed certificate by the city engineer has been approved by City Council. The certificate shall state that all required public improvements have been completed according to the

construction plans submitted to the City as well as meeting or exceeding accepted engineering design practices and were built to City specifications.

#### **Article 10: Hardship and Waiver**

**35.1001 HARDSHIP.** Where it can be shown in the case of a proposed subdivision that strict compliance with the requirements of this ordinance would result in extraordinary hardship because of unusual topography or other such conditions, thus inhibiting the achievement of the objective of this chapter, the developer may apply for a waiver. The waiver shall be for the purpose of providing substantial justice and the public interest is secured. The waiver shall not have the effect of nullifying the intent and purpose of this chapter or the comprehensive plan. The waiver shall be consistent with the Comprehensive Plan and shall not violate the Zoning Ordinance.

The following is a list of conditions that do not constitute a hardship: Cost of the requirements; Economic status of the applicant; Physical status of the applicant; Lack of improvements on surrounding properties. This list is not all-inclusive. There are other conditions that do not constitute a hardship.

**35.1002 APPLICATION.** The developer shall prepare a statement accompanying the application for preliminary plat (\$35.0402) or application for final plat (\$35.0502) listing all sections of this chapter in which a waiver is being sought. The statement shall also state the nature of the hardship.

**35.1003 WAIVER.** The city council, after receiving a recommendation of the planning commission, may vary, modify, or waive the requirements of this chapter. Waivers of this ordinance shall be consistent with the Comprehensive Plan and shall not violate the Zoning Ordinance.

**35.1004** All waivers must be requested and approved prior to the recording of the final plat.

#### **Article 11: Fees and Enforcement**

**35.1101 FEES.** In order to cover the cost of advertising, holding public hearings, staff review, and other expenses incidental to the approval of a subdivision, the subdivider shall pay application fees as per the fee schedule approved by City Council resolution.

All fees except construction plan review and inspection fees shall be paid to the community development department at the time of plat submittal and credited to the general fund of the city. Fees for construction plan review and inspection shall be paid prior to the city engineer's acceptance of improvements. All fees shall not be refundable.

**35.1102 ENFORCEMENT.**

**35.1102.1 No subdivision plat, or lot line adjustment** within the city corporate limits or within two (2) miles thereof shall be filed with the Jasper County recorder unless such document conforms to all applicable state and city ordinances.

**35.1102.2 No building permit shall be issued** for any structure or building until a final plat has been approved and recorded as specified in this chapter. Design standards and improvements within two (2) miles of the city corporate limits shall be the same as required within this chapter.

**35.1102.3 No building or structure on any platted lot shall be occupied** until all required utilities including sanitary sewers, storm sewers, electrical, gas, water and streets to the lot are complete, functional and approved.

**35.1102.4 The public works director may compel** the subdivider to clean right-of-ways, public easements, streets, and storm sewers on the site and adjacent area of debris, sedimentation and wastes due to the development, disturbance, excavation, grading, or improvement of the subdivision. The public works director shall assign a time period in which clean-up operations will be completed that is based on perceived risk to public health and safety. Should clean-up operations not be completed within said time frame, the city may execute clean-up operations and bill the subdivider for the cost.

**35.1102.5 It shall be the duty of the city planner** to enforce these regulations and to bring to the attention of the city administrator and city council any violations or lack of compliance herewith.

**35.1103 PENALTIES FOR VIOLATION.** Violation of the provisions of this chapter or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with its provisions shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days, and such persons shall be deemed guilty of a separate offense for each day during which said violation shall continue. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

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**APPENDIX "A"**  
**DEDICATION**

Know all men by these presents: that we the undersigned, being the owner and holder of deed of trust of those lands described in this plat, has, in the pursuance of law, caused said described lands to be surveyed, staked and platted into lots, blocks, and streets and do hereby dedicate these streets, easements and designated public use lands to the city of Newton, as is particularly shown and set forth in this plat to be known as \_\_\_\_\_ to the city of Newton, Jasper County, Iowa, and that the same is with free consent and in accordance with its desires as sole owner and proprietor thereof. Executed at Newton, Iowa on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

State of Iowa  
Jasper County

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public in and for the state of Iowa personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me known to be the identical named persons and who executed the foregoing instrument, and did acknowledge that they executed the same as their voluntary act and deed.

Witness my hand and official seal:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Address

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**APPENDIX "B"**  
**Certificate of Planning and Zoning Commission**

THIS FINAL PLAT OF \_\_\_\_\_ WAS RECOMMENDED FOR ACCEPTANCE AND APPROVAL BY THE CITY OF NEWTON PLANNING AND ZONING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

**Certificate of City Council**

This final plat of \_\_\_\_\_ was accepted and approved by the city of Newton City Council in resolution form, said resolution being \_\_\_\_\_. The city clerk further certifies that the same final plat hereto attached has been accepted, approved, and filed in accordance with the city ordinance of Newton, Iowa and the code of Iowa.

Passed: \_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Mayor

Attest: \_\_\_\_\_  
Name, City Clerk