

**CHAPTER 165**  
**ZONING REGULATIONS**

**EDITOR'S NOTE**

**The City of Shell Rock, Iowa Zoning Ordinance, adopted March 3, 1998, by Ordinance 240, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending Zoning Regulations of the City:**

<b>ORDINANCE</b>	<b>ADOPTED</b>	<b>SUBJECT</b>
249	February 17, 1999	Principal Permitted Use
255	December 14, 1999	R1-C1
257	April 4, 2000	C1-M1
258	April 4, 2000	Manufactured Homes
270	October 1, 2002	Fences in R
277	September 2, 2003	A1-M1
280	February 3, 2004	R3 uses in C1
281	January 6, 2004	C1 uses
288	April 5, 2005	C1-M1
292	November 1, 2005	M1-C1
293	November 1, 2005	M2-R1
294	April 3, 2006	M2-C2
295	April 3, 2006	M2-C2
303	September 4, 2007	M2-C2

## CHAPTER 166

### SUBDIVISION REGULATIONS

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**166.01 PURPOSE.** The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare in the City.

**166.02 DEFINITIONS.** For use in this chapter, the following terms or works are defined.

1. "Alley" means a public right-of-way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
2. "Block" means an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
3. "Building lines" means lines on a plat between which lines and public right-of-way no buildings or structures may be erected.
4. "Cul-de-sac" means a minor street having one end open to traffic and terminated by a vehicular turnaround.
5. "Easement" means a grant of the right to use a strip of land for specific purposes by the general public, a corporation or certain persons.
6. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
7. "Major street" means a street of considerable continuity connecting various sections of the City designated as a major street on the official major street plan of the City.
8. "Minor street" means a street which is used primarily for access to the abutting properties.
9. "Performance bond" means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the Council, and said surety bond or cash deposit being legally sufficient to

secure to the City that the said improvements will be constructed in accordance with this chapter.

10. "Plat" means a drawing or chart on which the sub-divider's plan of the subdivision of land is presented and which the sub-divider submits for approval and intends, in final form, to record.

11. "Subdivision" means the division of land into three (3) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

**166.03 JURISDICTION; PLATTING REQUIRED.** Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or within two (2) miles from the corporate limits shall cause plats of such area to be made in the form, and containing the information hereinafter set out before selling any lots therein contained or placing the plat on record. The provisions of these regulations shall apply to all land located within the legal boundaries of the City, as the same may be amended by subsequent annexation, and shall also include all land lying within two miles of the City boundaries and not located in any other City. This ordinance codified in this chapter is adopted under the authority of Section 354.9 of the Code of Iowa and shall be recorded in the office of the County Recorder and filed with the office of the County Auditor. The standards and conditions applied by the City for review and approval of subdivisions outside the City's boundaries shall be the same standards and conditions used for review and approval of subdivisions within the City limits. The City may by resolution waive its right to review a subdivision outside the City boundaries or waive the requirements of any of the standards or conditions for approval of such subdivision, and certify the resolution which shall be recorded with the plat.

**165.04 PROCEDURE.** In obtaining final approval of a proposed subdivision by the Council, the sub-divider shall submit a preliminary plat, a performance bond when required at the discretion of the Council, and a final plat in accordance with the requirements hereafter set forth.

**166.05 REQUIREMENTS OF PRELIMINARY PLAT.** The sub-divider shall first prepare and file with the Clerk seven (7) copies of a preliminary plat of adequate scale and size showing the following:

1. General. Title, scale, north point and date.
2. Boundaries. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners.
3. Streets. Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.
4. Lots. Proposed layout of lots, showing numbers, dimensions, radii, chords and the

square foot areas of lots that are not rectangular.

5. Setbacks and Front and Side Yard Lines. The nearest point of the front of any home or building shall be not less than twenty-five (25) feet from the street which the building faces; the nearest point of the side of any building to a side lot line (except on corner lots) shall be not less than five (5) feet; the nearest point of the side of any building located on a corner lot to the street abutting shall be not less than fifteen (15) feet. Additionally, buildings located on corner lots shall adhere to setback line restrictions which make it possible for such buildings to be in line with other buildings located on the interior lots facing on both streets which intersect to form the corner.

6. Public Use. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.

7. Easements. Present and proposed easements, showing locations, widths, purposes and limitations.

8. Utilities. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each, together with a showing that such will be furnished by the appropriate service or utility company at the location or point set aside by the sub-divider for this purpose.

9. Subdivision Name. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.

10. Owner and Engineer. Names and addresses of the owner, sub-divider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.

11. Zoning. Existing and proposed zoning of the proposed subdivision and adjoining property.

12. Restrictive Covenants. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

**166.06 REFERRAL OF PRELIMINARY PLAT.** The Clerk shall retain one copy of the preliminary plat for the permanent files and shall forthwith distribute the remaining six (6) copies among the Mayor and the members of the Council.

**166.07 ACTION BY THE COUNCIL.** The Council shall, as soon as possible, but not more than forty-five (45) days after the preliminary plat has been delivered to the Clerk, consider said preliminary plat, negotiate with the sub-divider on changes deemed advisable and the kind and extent of the improvements to be made by the sub-divider, and pass upon the preliminary plat as originally submitted or as modified. If the Council does not act within forty-five (45) days after delivery of the preliminary plat to the Clerk, the preliminary plat shall be deemed to be approved; provided, however, the sub-divider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. The Council shall then set forth its decision, whether of approval,

modification, or disapproval.

1. Resubmission. In the event that substantial changes or modifications are made by the Council or in the event the Council disapproves of the preliminary plat, it may give its reasons therefore and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. Conditional Approval. If approved, the Council shall express its approval as "conditional approval" and state the conditions of such approval, if any.
3. Copies Filed. The action of the Council shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the remaining copies retained by the Council.
4. Authorization to Prepare Final Plat. The "conditional approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

**166.08 FINAL PLAT.** The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

**166.09 REFERRAL OF FINAL PLAT.** The sub-divider shall, within twelve (12) months of the "conditional approval" of the preliminary plat by the Council, prepare and file seven (7) copies of the final plat and other required documents with the Clerk as hereinafter set forth, and upon failure to do so within the time specified, the "conditional approval" of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Council. Upon receipt of the final plat and other required documents, the Clerk shall transmit six (6) copies of the final plat to the members of the Council for its recommendations and approval.

**166.10 REQUIREMENTS OF THE FINAL PLAT.** The final plat shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one inch with India ink on a reproducible tracing linen. It shall show:

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

5. Signatures. The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
6. Engineer's Certificate. A sealed certification of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.
7. Utilities and Easements. All proposed and existing utility services and easements.

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

1. Description. A correct description of the subdivision land.
2. Owner's Certificate. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property or other public use, if the dedication is approved by the Council.
3. Attorney's Opinion as to Title. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
4. County Treasurer's Certificate. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
5. Certificate of Street Dedication. A certificate of dedication of streets and other public property.
6. Retroactive Covenants. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
7. Council Proceedings. Resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
8. Improvement Plans and Specifications. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.
9. Provision for Improvements. A certificate by the Council or its designated delegated official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary

improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

10. Bond. The encumbrance bond, if any.

**166.12 ACTION BY THE COUNCIL.** Upon receipt of the final plat, the Council shall, within forty-five (45) days, either approve or disapprove the final plat.

1. Disapproval. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing. The Council shall further point out wherein said proposed plat is objectionable in open meeting.

2. Acceptance. In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.

3. Recording. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of the County where the land to be subdivided is located, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

**166.13 GENERAL REQUIREMENTS.** The following general requirements shall be followed by all sub-dividers:

1. Relation to Existing Streets.

A. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

2. Acreage Subdivisions.

A. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

B. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

C. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

3. Minor Streets. Minor streets shall be so planned as to discourage through traffic. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turnaround, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

4. Half Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the City finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

5. Street Names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council.

6. Lots. Minimum lot dimensions and sizes shall conform to the following: Residential lots shall not be less than 8,000 square feet.

7. Easements. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width for construction, or both, as will be adequate for the purpose.

8. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at such intermediate points as shall be required by the Council. The markers shall be of such size, material, and length as may be approved by the Council.

**166.14 IMPROVEMENTS REQUIRED.** The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Council and to its satisfaction.

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council.

2. Roadways and Streets. All roadways shall be surfaced by paving. Roadway and street paving shall consist of a six-inch deep rolled stone base placed on a prepared subgrade with a two-inch deep Type A asphalt concrete surface. All materials used and all construction and installation methods and practices shall conform with the requirements of the current Standard Specifications of the State Transportation Commission.

3. Sidewalks. Sidewalks may be required by the Council if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the Council.

4. Water Lines. The subdivider shall connect with a public water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the City standards, procedure and supervision, providing that water mains installed by the subdivider shall be not less than six (6) inches in diameter, and providing that water service lines installed by the subdivider shall be not less than three-quarter inch K copper in diameter.

5. Sewers.

A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the Council and the State Department of Health and the construction subject to the supervision of the City.

B. Where sanitary sewers are not available, other facilities, as approved by the Council and the State Department of Health, must be provided for the adequate disposal of sanitary wastes.

C. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Council, and to the supervision of the City, providing that storm or surface waters shall not be pumped into a drain into the City sanitary sewer system.

6. Off-street Parking. For each dwelling unit of a multiple dwelling building, there shall be provided one off-street parking space which shall measure no less than seven (7) feet in width and twenty-two (22) feet in length.

7. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter, which shall be not less than thirty (30) inches in width, shall be constructed to the grade approved by the Council after receiving the report and recommendation of the appropriate committee or City Engineer. It is prohibited to cut or destroy or alter any existing curb and/or gutter, except with the express permission of the Council. Such permission shall be obtained by following the same procedure as is set forth in the zoning regulations except that no fee shall be charged for seeking and obtaining a permit to cut, destroy, or alter an existing curb and/or gutter.

8. Fire Hydrants. Fire hydrants shall be installed and shall be connected to the public water main at such places within the platted area as may be specified by the Council.

**166.15 COMPLETION OF IMPROVEMENTS.** Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the

Council. Before passage of said resolution of acceptance, the Council shall assure itself that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City. The subdivider shall furnish to the Council five (5) copies of a plat showing the exact location of all utilities in the subdivision, as installed and built.

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

**166.17 VARIANCES.** Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements and in no instance shall it be in conflict with any zoning ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Council.