

**DENVER, IOWA  
SUBDIVISION ORDINANCE**

**ORDINANCE NUMBER 5-2018**

The following subdivision ordinance shall be known as the “Denver, Iowa Subdivision Ordinance”. **Ordinance Number 5-2018** is an ordinance creating updated subdivision regulations for the purpose of protecting public health, welfare, and safety within the incorporated areas of Denver, Iowa. It shall replace **Ordinance Number 1-92-5-2018**, or Title 19 of the Denver City Code, as well as any amendments thereto.

RECOMMEND FOR ADOPTION BY  
THE DENVER PLANNING & ZONING COMMISSION  
ON:  
**January 18, 2022**

ADOPTED BY  
THE DENVER CITY COUNCIL  
ON:  
**February 21, 2022 (Public Hearing and First Reading)**  
~~June 4<sup>th</sup>, 2018~~  
~~June 18<sup>th</sup>, 2018~~

EFFECTIVE DATE:  
Fourteen (14) Days After Publication

Prepared by the  
Iowa Northland Regional Council of Governments  
Lindsey Lambert, Zoning Administrator

## TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Purpose.....	1
I. Title.....	1
II. Definitions .....	1
III. General Provisions.....	9
IV. Subdivision Design Standards.....	10
V. Preliminary Plat Requirements and Procedures (Major Subdivision) .....	17
VI. Final Plat Requirements and Procedures (Major Subdivision) .....	20
VII. <del>Minor Subdivision Requirements and Procedures</del> .....	23
VIII. Property Line Adjustments.....	24
IX. Places.....	24
X. Issuance of Building Permits and Occupancy Permits.....	24
XI. Vacation of Plats, Streets, and Other Public Lands .....	25
XII. Fees .....	26
XIII. Waivers and Exceptions .....	26
XIV. Enforcement.....	26
XV. Subdivision Ordinance Changes and Amendments.....	27
XVI. Saving or Severability Clause .....	27
XVII. Repealer .....	27
XVIII. Effective Date .....	28

## LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1. Driveway Without Curb and Gutter Replacement .....	5
2. Driveway with Curb and Gutter Replacement .....	6
3. Right-Of-Way Grading.....	7
4. Driveway Grading.....	8
5. Typical Street Plan and Cross Section .....	15

**DENVER, IOWA SUBDIVISION ORDINANCE**  
**ORDINANCE NUMBER 5-2018**

PURPOSE

To provide procedures and guidance for the review and consideration of all new subdivisions, resubdivision, or dedications in the incorporated areas of Denver as well as a formal review procedure for subdivisions proposed in the unincorporated area in the two (2) mile area around the corporate limits of Denver; implementing the City's Comprehensive Plan; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting adequacy, safety and efficiency of the street and road system, and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing all other ordinances or resolutions in conflict herewith. This Ordinance is permitted and specifically authorized in Chapter 354, Platting – Division and Subdivision of Land, Code of Iowa, as amended.

SECTION I  
TITLE

The following subdivision ordinance shall be known as the "Denver, Iowa Subdivision Ordinance". Ordinance Number 5-2018 is an ordinance creating subdivision regulations for the purpose of protecting public health, welfare, and safety within the incorporated areas of Denver, Iowa. It shall replace Ordinance Number 1-2005, or Title 19 of the Denver City Code, as well as any amendments thereto.

SECTION II  
DEFINITIONS

- A. For the purpose of this Ordinance, certain words and terms are hereby defined. The following terms are intended to be consistent with Chapter 354 of the Code of Iowa, as amended, and any changes to the Code shall automatically be assumed to be part of this Ordinance. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is mandatory; the word may is permissive.
1. Acquisition Plat: The graphical representation of the division of land or rights in land, created as a result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
  2. Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fraction parts one-half ( $\frac{1}{2}$ ), one-quarter ( $\frac{1}{4}$ ), one-half ( $\frac{1}{2}$ ) of one-quarter ( $\frac{1}{4}$ ), or one-quarter ( $\frac{1}{4}$ ) of one-quarter ( $\frac{1}{4}$ ) shall be considered an aliquot part of a section.
  3. Alley or Lane: A public or private way not more than sixteen (16) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
  4. Arterial Street: The arterial serves the major center of activities of urbanized areas, the highest traffic volume corridors, the longest trip, and carries a high proportion of a total urban travel on a minimum of mileage. Examples of existing arterial streets include Fayette and State Streets.
  5. Auditor's Plat: A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor.
  6. Block: An area of land within a subdivision that is entirely bounded by streets, highways, or the exterior boundary or boundaries of the subdivision, except alleys.

7. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Denver, Iowa.
8. City Council: The City Council of Denver, Iowa.
9. Collector Street: The collector street system provides both land access and traffic circulation within residential neighborhoods and commercial and industrial areas. The collector street also collects traffic from local streets in residential neighborhoods and channels it into the arterial system. In the central business district, and in other areas of similar development and traffic density, the collector system may include the entire street grid. Examples of existing collector streets include Lincoln, Eagle, Prestien, Main Street.
10. Commission/Planning and Zoning Commission: The Denver Planning and Zoning Commission.
11. Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.
12. County: Bremer County, Iowa
13. Cul-de-sac: A street having one (1) end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.
14. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
15. Developer: See the definition of "Proprietor".
16. Division: Dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purposes of this Ordinance.
17. Driveway: A private property access to either: a private or public street, road, alley, highway, or freeway. Typical driveway details are shown in Figures 1 and 2.
18. Easement: A grant, by the proprietor, for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the proprietor shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees that interfere with the use of such easements.
19. Engineer: An engineer is a registered civil engineer authorized and licensed to practice engineering in the State of Iowa.
20. Final Plat: The final map or plan of record of a subdivision and any accompanying material, as described in Section VI.
21. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainageways, sewers, water mains, wells, and other works and appurtenances.

22. Lot: For the purpose of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Said lot shall have frontage on or access to a public street or private street and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or (d) A parcel of land described by meets and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance or any Ordinance of the City of Denver.
23. Major Subdivision: All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvements.
24. Metes and Bounds: The method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.
25. Minor Plat: A plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the proprietor to save time and expense in reaching a general agreement as to the form of the plat and the objectives of Section VII.
26. Minor Subdivision: Any subdivision that creates not more than three (3) parcels fronting an existing road, not involving any new road or street or the extension of municipal facilities or the creation of any improvements or the dedication of lands to the city, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the Comprehensive Plan, Zoning Ordinance, or this Ordinance may be classified as a minor subdivision and must meet the appropriate provisions of this Ordinance.
27. Non-residential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.
28. Official Plat: Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
29. Outlot: A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot shall be an unbuildable lot, in and of itself. Typically, a proprietor may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale; (b) To reserve a portion of a final plat for construction of and future dedication of a detention basin to the City or private association; or (c) For construction of a private street or access that will be owned and maintained by a private association.
30. Parcel: A part of a tract of land.
31. Permanent Real Estate Index Number: A unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
32. Plat of Survey: The geographical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

33. Preliminary Plat: The proposed map or plan of record of a subdivision and any accompanying material, as described in Section V.
34. Property Line Adjustment: A subdivision of one (1) or more lots or parcels that meets the following criteria: (a) no additional lots or parcels shall be created, and; (b) no part of the divided lot or parcel will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred, and; (c) no adjusted lot or parcel shall conflict with the Denver Zoning Ordinance or this Ordinance.
35. Proprietor: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest. This definition shall also include a person or persons designated to act on behalf of a proprietor.
36. Resubdivision: A change on a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or at any lot line, or if such a change affects any map or plan legally recorded prior to the effective date of this Ordinance.
37. Right-of-Way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes.
38. Service or Local Street: Service or local streets allow direct access to abutting land and connections to the higher order street systems. They offer the lowest level of mobility and deliberately discourage major through traffic movements.
39. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
40. Street, Road, Drive, Alleys, or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public, nor controlled and maintained by a political subdivision.
41. Street, Road, Alleys, Drive or Entrance (Public System): All property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.
42. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcel, sites, units, plots, or interests for the purpose of sale, including a sale on contract or the making of a gift, or lease, or development, including resubdivision. 'Subdivision' includes the division or development of residential or non-residential zoned land, whether by deed, sale on contract, devise, intestate succession, lease, map, plat, or another recorded instrument.
43. SUDAS: SUDAS refers to the standards, specifications, and design manual of Iowa's statewide urban standard specifications for public improvements.
44. Surveyor: A registered land surveyor authorized and licensed to practice surveying in the State of Iowa, pursuant to Chapters 355 and 542B of the Code of Iowa.
45. Tract: An aliquot part of a section, a lot within an official plat, or a government lot.
46. Zoning Administrator: The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

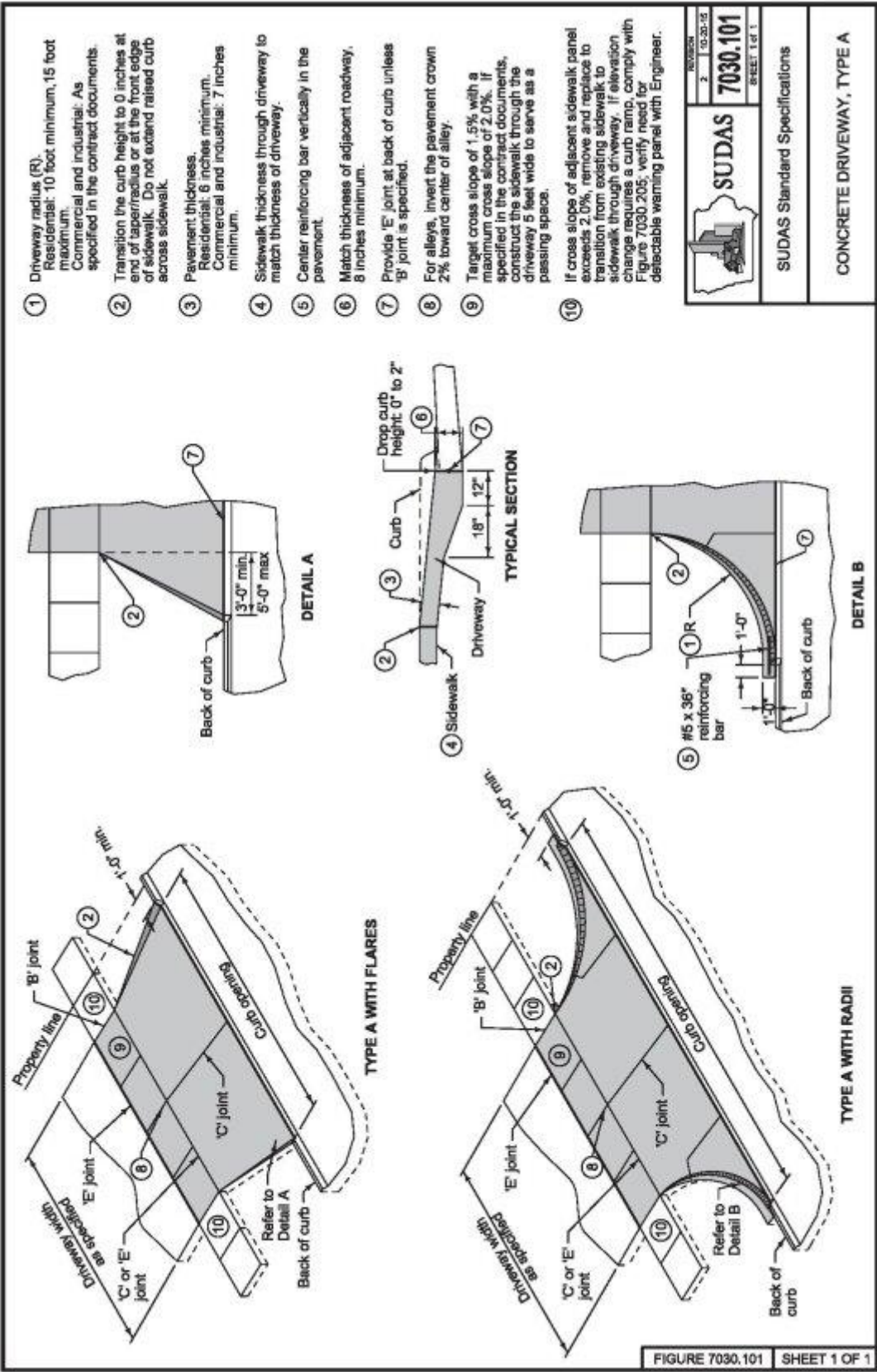
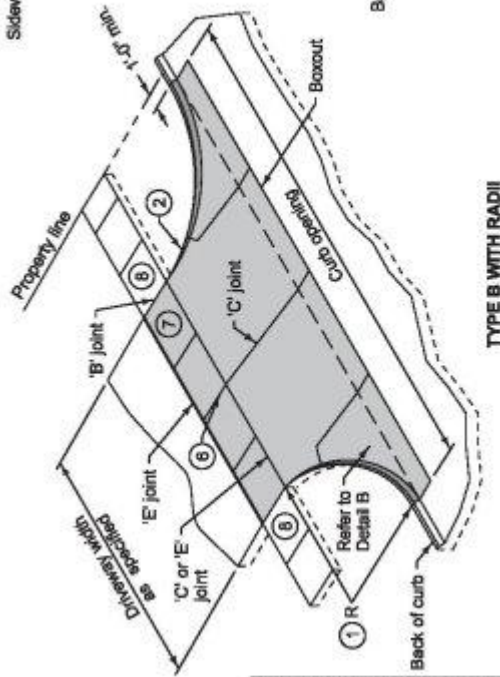
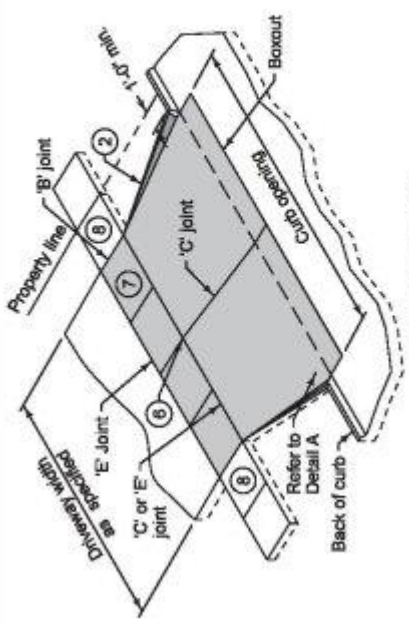
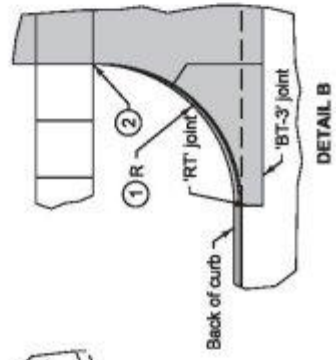
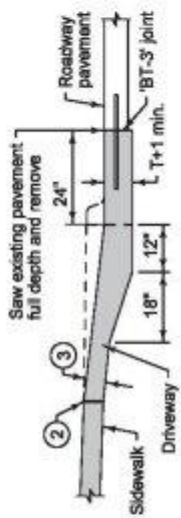
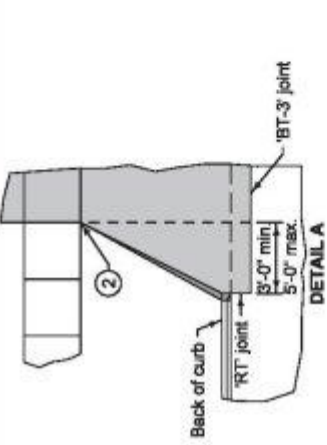


Figure 1. Driveway Without Curb and Gutter

Replacement

- ① Driveway radius (R). Residential: 10 foot minimum, 15 foot maximum. Commercial and industrial: As specified in the contract documents.
- ② Transition the curb height to 0 inches at end of taper/radius or at the front edge of sidewalk. Do not extend raised curb cross sidewalk.
- ③ Pavement thickness. Residential: 6 inches minimum. Commercial and industrial: 7 inches minimum.
- ④ Sidewalk thickness through driveway to match thickness of driveway.
- ⑤ If longitudinal joint is located 48 inches or less from the back of curb, extend boxout to joint line. Full depth saw cut is still required.
- ⑥ For alleys, invert the pavement crown 2% toward the center of the alley.
- ⑦ Target cross slope of 1.5% with a maximum cross slope of 2.0%. If specified in the contract documents, construct the sidewalk through the driveway 5 feet wide to serve as a passing space.
- ⑧ If cross slope of adjacent sidewalk panel exceeds 2.0%, remove and replace to transition from existing sidewalk to sidewalk through driveway. If the elevation change requires a curb ramp, comply with Figure 7030.205; verify need for detectable warning panel with Engineer.

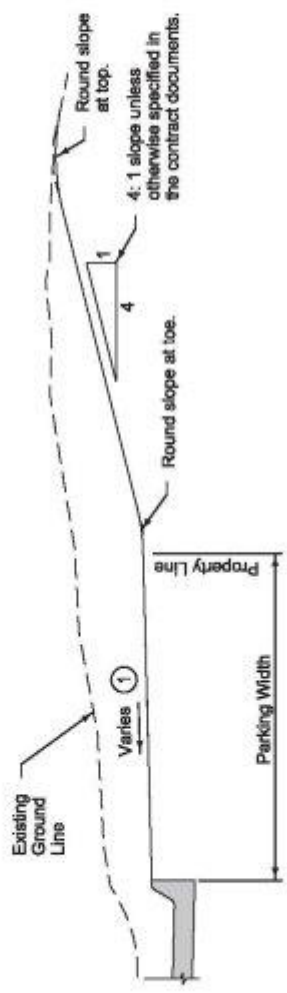


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	SHEET 1 of 1
SUDAS Standard Specifications	
CONCRETE DRIVEWAY, TYPE B	

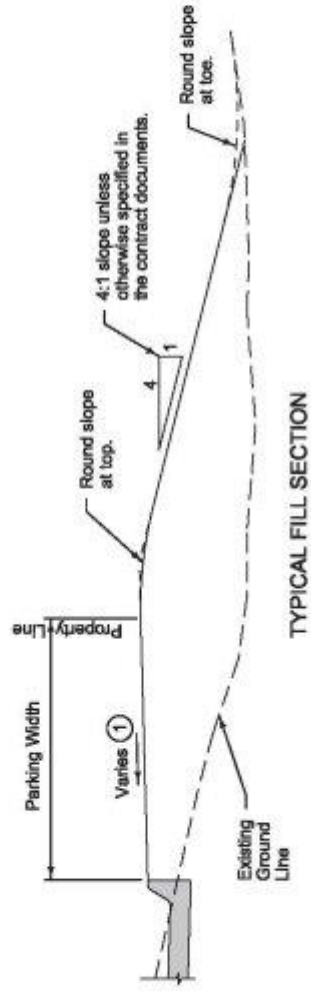
Figure 2. Driveway with Curb and Gutter

Replacement

- ① Parking Slope:  
 If parking width is less than 10 feet wide, slope at 1/4 inch per foot.  
 If parking width is 10 feet wide and greater, slope at 1/2 inch per foot.



TYPICAL CUT SECTION

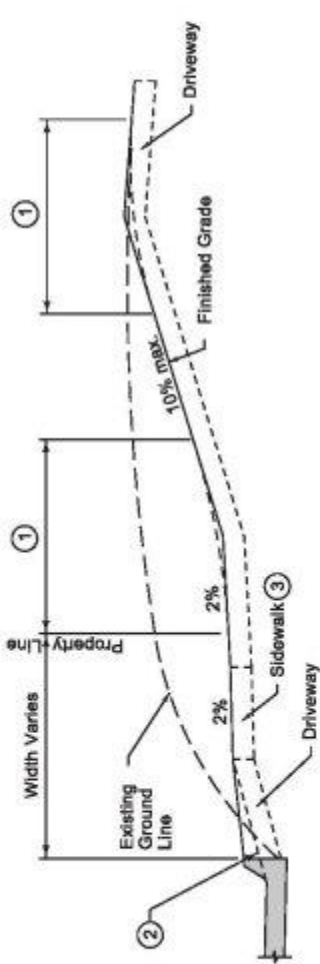


TYPICAL FILL SECTION

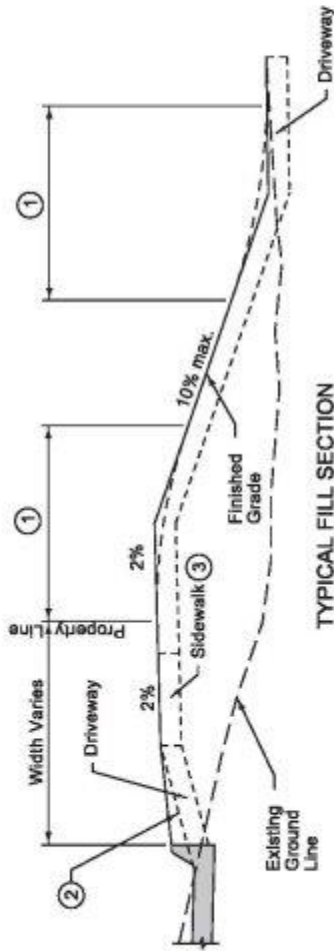
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<small>8-SHEET 1 OF 1</small>	
SUDAS Standard Specifications	
<b>RIGHT-OF-WAY GRADING</b>	

Figure 3.  
 Right-Of-Way Grading


- ① 10 foot vertical curve required for 5% or greater change in grade.
- ② Slope varies. See contract documents.
- ③ Target cross slope of 1.5% with a maximum cross slope of 2.0%.



TYPICAL CUT SECTION



TYPICAL FILL SECTION

	REVISED	DATE
	2	10-20-18
<b>SUDAS 7030.103</b>		
SHEET 1 OF 1		
SUDAS Standard Specifications		
DRIVEWAY GRADING		

**Figure 4.**  
**Driveway**  
**Grading**  
 SECTION III  
 GENERAL  
 PROVISIONS

- A. Application. This Ordinance shall apply to all plats, replats, and divisions of land into parcels lying in the incorporated area of Denver, Iowa, as well as the subdivision of land within Bremer County that is within two (2) miles of the city's corporate boundaries, as may be outlined by 28E (Iowa Code) agreement. The provisions of this Ordinance shall apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel on or after the effective date of this Ordinance
  
- B. Plats within Two (2) Miles of the City of Denver. In accordance with the provisions of Section 354.9 of the Code of Iowa, as amended, a proprietor or other agent, shall file a copy of all preliminary and final subdivision plats including minor plats, for the unincorporated areas within Bremer County that are within two (2) miles of the city. The city may review and comment on the proposed subdivision. The City may approve, disapprove, or waive their right to review all plats within the extraterritorial area defined herein. The plat(s) shall be filed with the City prior to or at the same time as filing with the County. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.
  
- C. Subdivision Classification. Any proposed subdivision or resubdivision shall be classified as a minor subdivision or a major subdivision by the Zoning Administrator. To aid in this, the proprietor shall submit in written or other appropriate documentation the principle features of access, relationship and location of existing roads, proposed water and sanitary sewer systems, public utilities and improvements, the number and location of the proposed lots and other pertinent data or information. Any subdivision may be classified as a major subdivision at the proprietor's request.
  
- D. Zoning: Any property proposed for subdivision shall be correctly zoned to accommodate the proposed use(s) before the subdivision process is begun.
  
- E. Review by Agencies: Copies of all plats shall be submitted to the Zoning Administrator, City Administrator, City Engineer, and Building Inspector. Each of the aforementioned offices shall examine the plat as to its compliance with the ordinances and regulations of Denver, as well as Bremer County and the State of Iowa, and submit their findings to the Zoning Administrator as soon as is possible, but within ten (10) days of receipt of their copy. Once a plat is approved by the previously listed positions, it shall then be submitted to the Planning and Zoning Commission for review and recommendation. Following the recommendation process by the Planning and Zoning Commission, the City Council shall consider the submitted plat(s). Approval from the City Council must be obtained prior to recording.

SECTION IV  
SUBDIVISION DESIGN STANDARDS

The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the proprietor should use standards consistent with the site conditions so as to assure an economical, pleasant and desirable neighborhood, and shall conform to design standards as approved by the City Council.

A. GENERAL REQUIREMENTS

1. LAND SUITABILITY

No land shall be subdivided for residential purposes that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare unless such suitable conditions are corrected to the satisfaction of the City.

- a. If a subdivision is found to be unsuitable for any of the reasons cited in this section the Planning and Zoning Commission or City Council shall state its reasons in writing and afford the proprietor an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission or City Council may re-affirm, modify or withdraw its determination of unsuitability.
- b. Flood prone areas: All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and planned installations. All land in a subdivision that lies in a floodplain shall be:
  - (1) Shown on the individual lots in the preliminary plat, and
  - (2) Encouraged to remain as open space for use by all proprietors of lots in the subdivision with an appropriate instrument providing for its care by such proprietors.
- c. Subdivisions (including mobile home parks) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards.

2. STREETS

- a. Private Streets. Private streets, not dedicated to and accepted by the City, proposed after the effective date of this Ordinance are discouraged. If private streets are utilized they shall be built to public standards, and they shall be platted as such and be under the control of the subdivision, homeowners' association, and/or proprietor.
- b. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width to those defined in Section IVA(2)(n) and in similar alignment, unless waivers or exceptions are recommended by the Planning and Zoning Commission and approved by the City Council.
- c. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the City Council. In a case where a street will eventually be extended

beyond the plan, but is temporarily dead-ended, an interim turn-a-round shall be required.

- d. Street Intersection. Street intersections shall be as near to right angles (90°) as possible. There shall be a minimum of one hundred fifty (150) feet offset between centerlines of intersecting streets.
- e. Cul-de-sac. If a cul-de-sac is permitted, such street shall be no longer than six hundred sixty (660) feet and shall be provided at the closed end with a turn-a-round having a street property line diameter of at least one hundred (100) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-a-round shall be equal or greater to those defined in Section IVA(2)(n). The property line at the intersection of the turn-a-round and the lead-in portion of the street shall be rounded at the radius of not less than thirty (30) feet. A paved cul-de-sac with concrete curb and gutter shall have a minimum paved diameter of one hundred (100) feet measured from the back of the curb to back of curb.
- f. Street Names. All newly platted streets shall be named in a manner consistent with the present street name system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended through the various portions shall bear the same name. New street names shall be subject to the recommendation of the Planning and Zoning Commission and approval by the City Council so as to avoid duplication or similarity of names.
- g. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded area, and other natural features which would lend themselves to attractive treatment.
- h. Half Streets. Dedication of half streets will be prohibited unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if recommended by the Planning and Zoning Commission and approved by the City Council.
- i. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- j. Easements.
  - (1) Structures, landscaping, and fencing are not to be constructed or placed on an easement.
  - (2) Easements for utilities, when necessary, shall be provided along rear or side lot lines or along alleys. The width of such easement shall be not less than ten (10) feet in total width. In the event that there exists an easement in an adjacent subdivision, the ten (10) foot requirement may be reduced to five (5) feet to allow for a minimum of ten (10) foot total easement.
  - (3) Whenever a subdivision is traversed by a waterway, channel, drainageway, stream, sanitary sewer, or stormwater drainage structure, a stormwater easement or drainage easement may be required. The width of such easement

shall be adequate for the anticipated drainage but not less than twenty (20) feet and shall be shown on the plat.

- (4) Any lot that has no frontage upon a public or private street shall be provided with an easement for access to a public or private street. The width of such easement shall not be less than thirty (30) feet.
- (5) Easements to the City for street purposes shall not be allowed.
- k. Neighborhood Plan. If any overall plan has been approved by the City for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
- l. Unsubdivided Portion of Plat. Where the plat is to be submitted includes only part of the tract owned by the proprietor, the Planning and Zoning Commission may require a sketch of the prospective future system of the unsubmitted part. The street system of the part submitted shall be correlated with the street system of the part not submitted.
- m. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited accessway, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:
  - (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings.
  - (2) Border the highway with a parallel street at a sufficient distance from it to permit deep lots to go back onto the highway; or form a buffer strip for park, commercial, or industrial use.
- n. Street Right-of-Way Width, and Roadway Widths. The minimum right-of-way width for all streets is 66 feet. The table below provides the minimum roadway width for the various types of streets.

Type of Street	Minimum Width (Parking on Both Sides)	Minimum Width (Parking on One Side)	Minimum Width (No Parking)
Arterial	40 Feet	37 Feet	31 Feet
Collector	40 Feet	37 Feet	31 Feet
Service	40 Feet	31 Feet	31 Feet

Note: All roadway widths are from back-of-curb to back-of-curb

- o. Street Alignments. Streets and alleys shall be completed to grades that have been officially determined or approved by the City Council. All streets shall be graded to within two (2) feet of the right-of-way and adjacent sides slopes graded to blend with the natural ground level. The maximum grade shall not exceed six (6) percent for main thoroughfares or ten (10) percent for arterial, collector, and service streets. The minimum grade for any street shall not be less than one-half of one (0.5) percent. A minimum centerline radius of one hundred fifty (150) feet shall be required of all streets. All street alignments, both horizontally and vertically, shall meet design criteria as specified in the SUDAS Design Manual.

**B. BLOCKS**

- 1. No Block shall be longer than one thousand (1,000) feet.

2. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet. However, where a curve radius has been previously established, such radius shall be used as standard if greater than twenty-five (25) feet.

C. LOTS

1. Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets.
2. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway.
3. Minimum lot sizes and dimensions, as defined in the Denver Zoning Ordinance, shall be met.
4. Side lot lines shall be approximately at right angles (90°) to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.
5. All out-lots shall be noted as unbuildable on plats.

D. IMPROVEMENTS (Unless otherwise stated in this Ordinance, all improvement costs shall be borne by the developer.)

1. STREETS AND ROADS

In addition to Section IV(A)(2), all streets or roads intended to be dedicated to public use and accepted into the City street system shall meet the following criteria:

- a. All streets shall be built to grade and standard cross-section according to the plans approved by the City Engineer and City Council prior to construction. An urban cross-section shall be used, as shown in Figure 3. Both plan and profile view details shall be drawn on 11"x17" sheets to a scale of one inch equals fifty feet (1"=40') horizontal and one inch equals five feet (1"= 4') vertical.
- b. All streets shall be paved with Hot Mix Asphalt (HMA) and have Portland Cement Concrete (PCC) curb and gutter. (See Figure 3).
- c. All HMA streets shall be paved in accordance with specifications approved by the City Council and City Engineer according to the following table.

Type of Street	Minimum Street Base Type and Thickness	Minimum Base Course Thickness	Minimum Surface Course Thickness
Arterial	8 inches of rock	2 2-inch layers of asphalt	2 inches of asphalt
Collector	8 inches of rock	2 inches of asphalt	1 ½ inches of asphalt
Service	8 inches of rock	2 inches of asphalt	1 ½ inches of asphalt

- d. All construction and materials shall conform to the current Statewide Urban Design and Specifications (SUDAS) standards.

- e. Forty-eight (48) hour advance notice of construction is required.
- f. All designs, specifications, material, inspection results, and procedures shall be certified to the City Engineer by a licensed engineer. All roads to be dedicated to the City may be inspected by the City, with the cost of said inspection being reimbursed to the City.

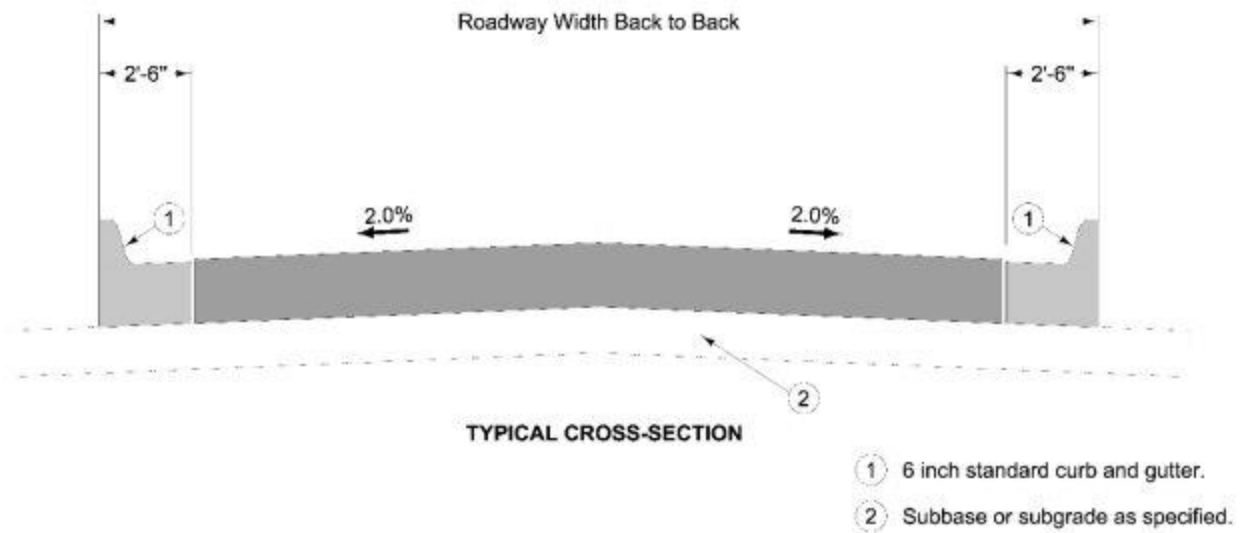
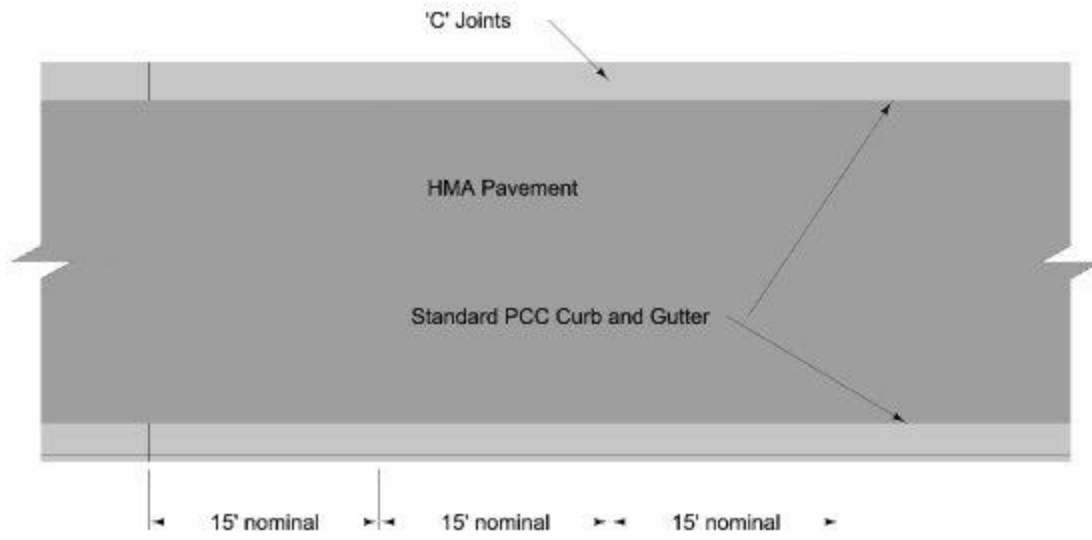


Figure 5. Typical Street Plan and Cross Section

2. UTILITY SERVICE SYSTEMS

- a. Public sanitary sewers and water systems shall be installed within the street or right-of-way or established easements as required by the State and local ordinances.
- b. Gas mains shall be installed within the street right-of-way or an established easement.
- c. Electric and telephone lines shall be installed within the street right-of-way or established easements.
- d. All subdivisions, and their lots, that are located within the incorporated boundaries of Denver shall be required to connect to municipal utilities.
- e. All utility service systems shall be subject to approval by the City Engineer and City Council.

3. STORM DRAINAGE

- a. Adequate storm sewers and inlets shall be provided where necessary. All stormwater intakes shall be capable of handling a five (5) year storm, and the pipe shall be capable of handling a ten (10) year storm. In addition, the subdivision shall have one hundred (100) year overland conveyance capacity. All rainfall information shall be in accordance with current SUDAS standards.
- b. Natural waterways shall be maintained and protected.
- c. All stormwater facilities shall be subject to approval by the City Engineer and City Council.
- d. If the development covers an area of one (1) or more acres, the applicant must have the necessary Iowa Department of Natural Resources permit(s).
- e. Must be in compliance with City's current Stormwater Detention Ordinance.

4. UTILITY LOCATIONS

The proposed location, alignment, and sizes of all existing public utilities shall be shown on the preliminary plat. All utilities shall be located underground, unless waived by the Commission. Approval of the preliminary plat will form the basis of final designs of all improvements.

All underground utilities that will be located within the street right of way or established easement shall be constructed, and service provided to each lot, before acceptance of the improvements by the City.

5. STREET SIGNS AND TRAFFIC CONTROL DEVICES

To insure uniformity with Denver's street signage system, all street name signs and traffic control signs shall be erected in conformance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Bremer County E-911 requirements. The City will be responsible for all costs associated with sign erection and maintenance.

6. MAILBOXES, INCLUDING NEWSPAPER BOXES

Mailboxes and mailbox construction shall conform to United States Postal Service standards.

7. PARKING

The depth and width of properties reserved and designed for residential, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Denver Zoning Ordinance.

8. SIDEWALKS

Sidewalks shall be required in all subdivisions, according to City policy or ordinance, on both sides of the street. Sidewalks shall be installed per the agreement, cited in Section VI(G)(3) of this Ordinance. If after the life of said agreement the sidewalks are not completely installed in a subdivision, the sidewalks shall be required by the City to be installed by the property owner(s) or proprietor(s) at their expense.

9. STREET LIGHTING

Street lighting shall be the responsibility of the City, unless more decorative or ornamental lighting systems, beyond the City standards, are desired by the proprietor.

10. TEMPORARY EROSION CONTROL DEVICES

All subdivisions covered by this Ordinance shall be required to have temporary erosion control measures installed throughout the duration of construction.

11. STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS) STANDARDS

If not specified in this Ordinance, SUDAS Standards shall be used in new subdivisions.

SECTION V

PRELIMINARY PLAT REQUIREMENTS AND PROCEDURES (MAJOR SUBDIVISION)

A. PRE-PRELIMINARY PLAN

Each proprietor of land is encouraged to confer with the Zoning Administrator, City Engineer, and City Administrator before preparing the preliminary plat in order to become familiar with City regulations affecting the territory in which the proposed subdivision lies. A pre-preliminary plat may be presented at that time.

B. NUMBER OF COPIES

Whenever the proprietor of any tract or parcel of land within the incorporated area of the City wishes to subdivide or plat the same, the proprietor shall cause to be prepared a preliminary plat of said subdivision, and shall submit ten (10) copies of said preliminary plat and supportive information, two (2) of which shall be full-size and provided according to Section V.D.2 below and the remaining copies may be reduced in size and/or electronic versions, to the Zoning Administrator for preliminary study and approval. The preliminary plat shall be submitted to the Zoning Administrator a minimum of twenty-one (21) days prior to Planning and Zoning Commission consideration.

C. REFERRAL OF PRELIMINARY PLAT

The Developer shall submit copies of all preliminary plat to the Zoning Administrator, City Administrator, City Engineer, and Building Inspector. Each of the aforementioned offices shall examine the plat as to its compliance with the ordinances and regulations of Denver, as well as Bremer County and the State of Iowa,

and submit their findings to the Zoning Administrator as soon as is possible, but within ten (10) days of receipt of their copy. Once the preliminary plat is approved by the previously listed positions, it shall then be submitted to the Planning and Zoning Commission for review and recommendation. Following the recommendation process by the Planning and Zoning Commission, the City Council shall consider the submitted preliminary plat(s).

D. CONTENTS OF PRELIMINARY PLAT

Preliminary plats shall contain, include, or show the following requirements.

1. Name of subdivision, date, an arrow indicating the northern direction, and the legal description of the property being platted.
2. Plats shall be drawn in sheets not larger than twenty-four (24) inches by thirty-six (36) inches. The scale of the plat, preferable one inch equals one hundred feet (1"=100'), shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one (1) sheet shall show match lines and references.
3. Name and address of the proprietor, if different than the owner.
4. Name and address of proprietor's engineer or surveyor.
5. Existing buildings, railroads, utilities, and other rights-of-way.
6. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
7. Location and names of adjoining subdivisions as well as a list of proprietors within two hundred (200) feet of the property to be subdivided.
8. Proposed lot lines with approximate dimensions and the square foot area of each lot.
9. Areas dedicated for public use, such as schools, parks, playgrounds, recreational trails, or greenspace. The City's objective is to develop and maintain a functioning park and recreational system that is geographically distributed throughout the community and where a minimum citywide ratio of at least two (2) acres of open space per one thousand (1,000) residents is maintained.
10. Contour lines shown at intervals of two (2) feet.
11. Building setback lines.
12. Boundaries of the proposed subdivision shall be indicated by a heavy black line.
13. Existing zoning of the proposed subdivision, as well as the existing zoning of the adjoining property or properties.
14. Proposed utility service:
  - a. Source of water supply.
  - b. Provision for sewage disposal, stormwater drainage, and flood control, if applicable.
15. A vicinity sketch at a legible scale showing the relationship of the Plat to its general surroundings.

16. Lots shall be numbered in a way that is acceptable to the County Auditor's office.
17. Existing and proposed easements showing widths and purposes of said easements.
18. If applicable, the regulatory flood elevation data limits of the one hundred (100) year floodplain boundaries, original and revised, must be shown.
19. Environmental studies may be required if a proposed subdivision is located in, or near, an environmentally sensitive area.

E. ACCOMPANYING MATERIAL

1. The proprietor shall also submit engineering documents regarding installation of the improvements with the preliminary plat.

F. REVIEW BY THE PLANNING AND ZONING COMMISSION

1. Upon receipt of the report of the various offices referred to in Section V(C) above, the Planning and Zoning Commission shall review said plat consider said reports, negotiate with the proprietor on changes deemed advisable and the kind and extent of improvements to be made, and take action upon the preliminary plat as originally submitted or modified. If a subdivision is not recommended for approval, the Planning and Zoning Commission shall give written reasons therefor. A preliminary plat may require more than one (1) Planning and Zoning Commission review.
2. Before approving a preliminary plat, the Planning and Zoning Commission may at its discretion hold a public hearing, notice of which shall be given by publication in a local newspaper at least seven (7), but not more than twenty (20), days before said public hearing. If not included as part of the fees in Section XII, the cost of said hearing, including publication, mailing, postage, copies, will be assessed to the developer.
3. If a public hearing is scheduled, as a courtesy, property owners within two hundred (200) feet may be notified of said public hearing.

G. REVIEW BY THE CITY COUNCIL

1. The City Council shall then take action upon the preliminary plat not more than sixty (60) days after the initial receipt by the Zoning Administrator. The Council may certify its approval or disapproval of the preliminary plat. If the preliminary plat is disapproved, the Council shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal to district court, within twenty (20) days, the failure of the Council to issue approval of the preliminary plat as provided in this Ordinance. If approved, the preliminary plat shall be certified by resolution.
2. The approval of the preliminary plat by the City Council does not constitute acceptance of the subdivision, but shall authorize the proprietor to proceed with the preparation of the final plat.
3. Also, approval of the preliminary plat authorizes the installation and dedication of infrastructure improvements, per the engineering documents approved with the preliminary plat.
4. The approval of a preliminary plat by the City Council shall be valid for a period of one (1) year from the date of such approval, except upon application for and approval of an extension of such

period of validity, by the City Council. After one (1) or more lots have been final platted, the preliminary plat is valid until such time that it is replaced by another preliminary plat.

#### H. IMPROVEMENTS

1. All standards and improvements described in Section IV shall be installed at the cost of the developer, unless otherwise stated in this Ordinance, in accordance with the approved plans and specifications before acceptance of the final plat by the City Council. The Council, through Section XIII, may consider increasing the size or capacity of improvements, the cost of said size or capacity increase(s) would be borne by the City. All improvements shall be inspected by the proprietor's engineer and may also be inspected by the City Engineer. The proprietor's engineer shall certify to the City Council that the improvements were constructed in compliance with these regulations, as well as provide "as-built" drawings thereof. If inspected by the City Engineer, the cost of said inspection shall be borne by the Developer.
2. Subdivisions may be developed in phases.
3. Before acceptance of the improvements by the City Council for any major subdivision(s), the proprietor shall enter into an agreement with the City Council to ensure the completion of the improvements within a specified time period. ~~Before acceptance of the improvements by the City Council for any minor subdivision(s), the proprietor may be asked upon the request of the City to enter into an agreement with the City Council to ensure the completion of the improvements within a specified time period.~~ The agreement shall specify the improvements to be constructed, the schedule for completion of the construction (each phase not to exceed three (3) years) and shall be accompanied with a performance bond, corporate surety bond, cash, or other surety approved by the City Attorney in an amount equal to one hundred (100) percent of the estimated cost of said improvements.
4. The proprietor of the land being platted shall be required to provide to the City property maintenance bonds, or other means satisfactory to the City Engineer and City Attorney, so as to ensure that for a period of two (2) years from the date of acceptance and completion of any improvement, the proprietor shall be responsible for maintaining the improvements in good repair.

### SECTION VI

#### FINAL PLAT REQUIREMENTS AND PROCEDURES (MAJOR SUBDIVISION)

##### A. NUMBER OF COPIES

After installation, dedication, and acceptance of the improvements approved as part of the Preliminary Plat, but within one (1) year of approval of the preliminary plat, or extension thereto by the City Council, the proprietor shall submit ten (10) copies of the final plat, two (2) of which shall be full-size and provided according to Section C.2 below and the remaining copies may be reduced in size and/or electronic versions for review by the Zoning Administrator. Final plat review shall not begin until, or unless, all copies of the final plat and accompanying material have been submitted to the Zoning Administrator and City Administrator a minimum of twenty-one (21) days prior to Planning and Zoning Commission consideration.

##### B. REFERRAL OF FINAL PLAT

The Developer shall submit copies of all final plat to the Zoning Administrator, City Administrator, City Engineer, and Building Inspector. Each of the aforementioned offices shall examine the plat as to its compliance with the ordinances and regulations of Denver, as well as Bremer County and the State of Iowa,

and submit their findings to the Zoning Administrator as soon as is possible, but within ten (10) days of receipt of their copy. Once the final plat is approved by the previously listed positions, it shall then be submitted to the Planning and Zoning Commission for review and recommendation. Following the recommendation process by the Planning and Zoning Commission, the City Council shall consider the submitted final plat(s). Approval from the City Council must be obtained prior to recording.

C. CONTENTS OF FINAL PLAT

Final plats shall contain, include, or show the following requirements.

1. Name of subdivision and proprietor.
2. Plats shall be drawn on sheets not larger than twenty-four (24) inches by thirty-six (36) inches. The scale of the plat, preferably one inch equals one hundred feet (1"=100'), shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one (1) sheet shall show match lines and references.
3. An arrow indicating the northern direction.
4. Curve data including delta angle, length of arc, degree of curve, and length and direction of the chord.
5. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles. The unadjusted error of closure shall not be greater than one (1) in ten thousand (10,000) for subdivision boundaries and shall not be greater than one (1) in five thousand (5,000) for an individual lot. The areas of irregular lots within the plat shall be shown and may be expressed in either acres to the nearest one-hundredth ( $\frac{1}{100}$ ) acre, or square feet to the nearest ten (10) square feet.
6. Exact name, location, width, and designation of all streets within the subdivision. Additionally, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and have the proposed use clearly designated.
7. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage or access easements as are deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance shall be recommended by the Planning and Zoning Commission and approved by the City Council prior to the recording of the plat.
8. Building setback lines with dimensions.
9. Legal description of the property being subdivided.
10. Lot numbers.
11. Certificate of Survey.
12. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.
13. A table that lists coordinate values for all property corners.

D. ACCOMPANYING MATERIAL

1. The documents required by Chapter 354.11 of the Code of Iowa.
2. A copy of any proposed restrictive covenants, which shall be submitted for the purpose of review and recommendation by the City Attorney.
3. Any dedication or easement to the City for any property intended for public use.

E. REVIEW BY THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall review the final plat in the same manner that they addressed preliminary plats, Section V(E), and forward its recommendation to the City Council.

F. ACTION BY THE CITY COUNCIL

1. Upon receipt of the final plat and the required documents from the Planning and Zoning Commission, the City Council will consider the recommendations from the reviewing offices. The City Council shall approve or disapprove of the final plat. If the final plat is not approved, the Council shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal to district court, within twenty (20) day, the failure of the Council to issue approval of the final plat as provided in this Ordinance. If approved, the final plat shall be certified by resolution.
2. The City Council may refuse to approve a plat for a proposed subdivision, which includes improvements or facilities that are subject to regulations and ordinances of the County Board of Health, until such time as the improvements or facilities are approved by said Board. The City Council may deny approval of a final plat where the lots have an area less than the minimum area required by such applicable regulations and ordinances.
3. The passage of a resolution by the City Council accepting the plat shall constitute final platting approval for the area shown on the final plat. The proprietor shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the County shall recognize the plat as being in full force and effect. In addition, eight (8) copies of the approved final plat and adopting resolution as well as one (1) copy of the completed plat proceedings with restrictive covenants shall be submitted to the Zoning Administrator by the proprietor.

SECTION VII  
MINOR SUBDIVISION REQUIREMENTS AND PROCEDURES

- A. The proprietor shall prepare ~~the a~~ proposed minor subdivision plat and shall submit five (5) copies, one (1) of which shall be full-size and the remaining may be reduced in size, to the Zoning Administrator. Said plat shall contain such information as required by this Ordinance, specifically the requirements in Sections VI(C) and VI(D), or as may be specified by the Zoning Administrator.
- B. If the Zoning Administrator shall determine that ~~the a~~ "Minor Subdivision Plat" contains sufficient data and elements to furnish a basis for review, then the Zoning Administrator shall forward copies of the submitted plat to the City Engineer, Building Inspector, and to such other agencies or persons as may be deemed appropriate and necessary.
- C. Review by Agencies. Within ten (10) working days following receipt of an application by the Zoning Administrator:
1. The City Engineer shall notify the Zoning Administrator that access onto the city street will, or will not, be granted and that other improvements do, or do not, conform to current standards.
  2. The City Engineer and/or the Public Works personnel shall notify the Zoning Administrator that the land so proposed to be subdivided will comply with all applicable Denver, Bremer County, and State of Iowa standards, and that the proposed or existing system of water supply complies with applicable Denver, Bremer County, and State of Iowa standards.
  3. Other agencies or persons shall inform the Zoning Administrator on factors deemed appropriate and necessary.
- D. Within twenty (20) working days following the date of receipt of an application, or such additional period as the proprietor may authorize, the Zoning Administrator may schedule a public hearing on the subdivision request with the City Council.
- E. ~~Prior to the City Council may approve or disapprove of considering the minor subdivision request, or they may refer the request the minor subdivision plat shall be sent to the Planning and Zoning Commission for their study and written recommendation prior to considering the minor plat.~~ In the event that a minor subdivision plat is not approved by the City Council, the Council shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal, within twenty (20) days to district court, the failure of the Council to issue final approval of the minor plat as provided in this Ordinance. If approved, the minor plat shall be certified by Council resolution.
- F. Limitation: This section shall not be applicable to a parcel of land of any size which has previously had a subdivision severed from it. For definition purposes of this section only, a parcel of land shall mean any sized contiguous piece of property under same ownership as shown on the Bremer County Auditor's plat books as on the effective date of this Ordinance.

SECTION VIII  
PROPERTY LINE ADJUSTMENTS

Following a review of the plat of survey for a property line adjustment, the Zoning Administrator shall either approve the plat with or without specified conditions or disapprove of the plat. Any conditions specified for plat approval by the Zoning Administrator shall be accepted by the proprietor as a requirement for said approval. The Zoning Administrator shall notify the proprietor and City Administrator of their decision. The following also apply:

- A. Approval of the plat shall signify the general acceptability of the proposed property line adjustment with respect to the Denver Zoning Ordinance and this Ordinance and shall be deemed authorization to proceed with the preparation of necessary instruments for conveyance of one (1) lot or parcel to the owner of an adjoining lot or parcel. A plat of survey shall be prepared for the division. A copy of the plat of survey shall be prepared by a licensed land survey and filed with the Zoning Administrator before approval may be given on a plat application. A copy of the Zoning Administrator's decision shall be recorded simultaneously with any and all instruments filed with the County Recorder that transfer ownership of said property being adjusted.

Said instruments shall contain a deed restriction directing the County Auditor to combine the portion of land described in the instrument with the adjoining tract or parcel to create a single parcel. A copy of all instruments shall be submitted to the Zoning Administrator for review before being recorded in order to ensure that said deed restriction is included.

- B. Disapproval of a plat shall signify the general unacceptability of the proposed property line adjustment with respect to the Denver Zoning Ordinance and/or this Ordinance. However, the proprietor may appeal the decision of the Zoning Administrator to the Planning and Zoning Commission for final determination.

SECTION IX  
PLACES

Where it is desired to subdivide a parcel of land that, because of its size or location, does not permit a normal lot or street area, there may be established a "place". Such a place may be in the form of a court, non-connecting street or other arrangement, provided, however, that proper access shall be given to all lots from a dedicated place (street or court). If any dead-end place, court or cul-de-sac is more than two hundred fifty (250) feet in length, it shall terminate in an open space, preferably circular having a minimum radius of sixty (60) feet. Except in unusual instances, no dead-end street or place shall exceed six hundred (600) feet in length.

SECTION X  
ISSUANCE OF BUILDING PERMITS AND OCCUPANCY PERMITS

- A. No occupancy permit for any building in a subdivision shall be issued prior to the completion of the improvements in a manner which shall be adequate for vehicular access by the prospective occupant and by law enforcement and fire equipment.
- B. No building permits shall be issued in the subdivision prior to the time that the streets and easements affecting such lot are brought to the grade established in the construction plans.
- C. No building permit shall be issued for the final ten (10) percent of lots, or the final five (5) lots of a subdivision, whichever is greater, until all public improvements required by the City Council for the plat have been fully completed and dedicated to the City.

SECTION XI  
VACATION OF PLATS, STREETS, AND OTHER PUBLIC LANDS

The following Section is intended to be consistent with Sections 354.22 and 354.23 of the Code of Iowa, as amended, and any changes to the Code shall automatically be assumed to be part of this Ordinance. Prior to consideration by the City Council, vacations of plats, streets, and/or other public lands shall be reviewed by the Planning and Zoning Commission. A recommendation from the Planning and Zoning Commission shall be forwarded to the City Council.

- A. Vacation of Plats. The proprietors of lots within an official plat who wish to vacate any portion of the official plat shall file a petition with the Planning and Zoning Commission for review and recommendation. After review by the Commission, the petition and recommendation are filed with the City Council, and they shall set a time and place for a public hearing on the petition. Written notice of the public hearing shall be provided by the petitioner to proprietors and mortgagees within three hundred (300) feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa Department of Natural Resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen (14) days between publications, stating the date, time, and place of the public hearing.

The official plat or portion of the official plat shall be vacated upon recording of all the following documents:

1. An instrument signed, executed, and acknowledged by all the proprietors and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each property along with an accurate description to be used to describe the land after the lots are vacated.
2. A resolution by the City Council approving the vacation and providing for the conveyance of those areas included in the vacation that were previously set aside for dedicated public use.
3. A certificate of the County Auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

No part of this Section authorizes the closing or obstructing of public highways.

The vacation of a portion of an official plat shall not remove or otherwise affect a recorded restrictive covenant, protective covenant, building restriction, or use restriction. Recorded restrictions on the use of property within an official plat shall be modified or revoked by recording a consent to the modification or removal, signed and acknowledged by the proprietors and mortgagees within the official plat.

- B. Vacation of Streets and Other Public Lands. The City may vacate a part of an official plat that had been conveyed to the City or dedicated to public which is deemed by the Planning and Zoning Commission and City Council to be of no benefit to the public. The City Council shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded. The City may convey the vacated property by deed to may convey the property to adjoining proprietors through the vacation instrument. If the vacating instrument is used to convey property, then the instrument shall include a list of adjoining proprietors to whom the vacated property is being conveyed along with the corresponding legal description of each parcel being conveyed. A recorded vacation instrument that conforms to this Section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the County Recorder and County Auditor. A vacation instrument recorded pursuant to this subsection shall not operate to annul any part of an official plat except as provided for in Section XI (A).

SECTION XII  
FEES

Non-refundable fees pertaining to permits or applications and actions required by this Ordinance shall be established by City resolution. Said fees shall include, but not be limited to, the following actions.

- A. Major Subdivision (Preliminary and Final Plat) Review and Consideration.
- B. Minor Subdivision Review and Consideration.
- C. Vacation of Plats, Street, and Other Public Lands.

This fee shall not be administered and collected if the dedication or vacation is processed in the form of a plat and either minor or major subdivision fees are paid in lieu thereof.

- D. Property Line Adjustments.
- E. Recording Fees, per a schedule on file in the County Recorder's Office.

### SECTION XIII WAIVERS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unique conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the City Council, after recommendation of the Planning and Zoning Commission, may vary or modify such requirements to allow the proprietor to develop in a reasonable manner with due regard for the public health, welfare, and safety so that the interests of the City and surrounding area are protected and the general intent and spirit of this Ordinance is preserved.

### SECTION XIV ENFORCEMENT

- A. After the date of adoption of this Ordinance, no proposed plat or any subdivision in, or within two (2) miles of the corporate limits of Denver in Bremer County, shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
- B. No street hereafter created in the incorporated area of Denver shall become a part of any street system as defined in the Code of Iowa; and no improvements shall be made by the City of Denver, nor shall the City of Denver incur any expense for maintenance or repair of roads or other facilities on land that had been subdivided after the date of adoption of this Ordinance unless such road or other facility shall have been first approved and accepted by the City Council in accordance with the provisions of this Ordinance and the dedication thereof accepted as a public road or improvement.
- C. The City of Denver shall not issue building, occupancy, or repair permits for any structure located on a lot in any subdivision developed after the date of adoption of this Ordinance that is located within the City unless the plat of such subdivision has been first approved in accordance with the provisions contained herein.
- D. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a Municipal Infraction, punishable under the provisions of the City's Municipal Infractions Ordinance. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the City of Denver from taking such other lawful action as is necessary to prevent or remedy any violation.

### SECTION XV SUBDIVISION ORDINANCE CHANGES AND AMENDMENTS

Any provisions of these regulations may be changed and amended from time to time by the City Council provided, however, that such changes and amendments shall not become effective until after study and recommendation by the Planning and Zoning Commission and approval by the City Council, in accordance with the regulations and provisions of the City of Denver and the Code of Iowa. As a part of the Commission and Council's recommendation and approval processes, each body will conduct a properly noticed public hearing, notice of which shall be published in a newspaper of general circulation in the community not less than seven (7) days, nor more than twenty (20) days, prior to each public hearing.

SECTION XVI  
SAVING OR SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

SECTION XVII  
REPEALER

Any existing City of Denver ordinance, resolution, or policy that conflicts with any Section, part, or provision of this Ordinance is hereby repealed.

SECTION XVIII  
EFFECTIVE DATE

This Ordinance, as adopted, shall be in full force and effect fourteen (14) days after publication.

Recommended for adoption by the Planning and Zoning Commission on April 9<sup>th</sup>, 2018.

Passed and adopted by the City Council on:

May 21<sup>st</sup>, 2018 (Public Hearing and First Reading)

June 4<sup>th</sup>, 2018 (Second Reading)

June 18<sup>th</sup>, 2018 (Third and Final Reading)

This Ordinance shall be referenced as Denver Ordinance Number 5-2018.

\_\_\_\_\_  
Mayor  
Denver, Iowa

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
City Administrator  
Denver, Iowa

\_\_\_\_\_  
Date

**PROCEDURAL GUIDELINES FOR SUBDIVISION PLATTING  
WITHIN THE COPORATE LIMITS OF DENVER, IOWA**

The following Procedural Guidelines are a summary of the Denver Subdivision Ordinance for use by the public. They are not meant to be substituted for the Ordinance. In the event that questions or conflicts between the Ordinance and these Procedural Guidelines arise, the Ordinance shall prevail.

**Major Subdivision Procedure:** The division of any lot or parcel of land classified by the Zoning Administrator as a “major subdivision”, as defined in the Denver Subdivision Ordinance, shall follow this procedure

1. Check with Zoning Administrator and City Administrator for current zoning ordinances, subdivision regulations, land use classifications, and other code applicability. The property must be correctly zoned before a subdivision will be considered by the City.

Check with Public Works Department for water and water pollution control standards.

Discuss development concepts and explore alternative solutions.

2. The Zoning Administrator sends notice and plat(s) to the City Administrator, City Engineer, Building Inspector, etc.
3. Bring abstract up to date.
4. Get clear title to the property, becoming legal proprietor.
5. Hire a licensed engineer or land surveyor to make a survey, prepare a base map, and to set out the lots. The proprietor may also want to consult a landscape architect or land planner for design considerations and site planning aspects.
6. The proprietor may request a concept review by the Zoning Administrator, City Engineer, and City Administrator prior to drafting the preliminary plat. This phase is at the option of the proprietor.
7. Have a preliminary plat prepared.
8. Submit ten (10) copies of the preliminary plat, one (1) of which shall be full-size and the remaining may be reduced in size, to the Zoning Administrator. Copies must also be submitted to the City Administrator, City Engineer, and Building Inspector. The Administrator will date the plat and issue a receipt for filing fees. The proprietor may be asked to sign a release authorizing the Zoning Administrator, Planning and Zoning Commissioners and/or the City Council to inspect the property.
9. The preliminary plat copies are reviewed by:
  - a. City Engineer.
  - b. Mayor and City Council.
  - c. City Administrator.
  - d. Planning and Zoning Commission.
  - e. Building Inspector.
  - f. Zoning Administrator.

10. All copies are to be studied and written recommendations sent to the Zoning Administrator. An environmental impact analysis prepared by a qualified professional may be required.

11. The Zoning Administrator refers the preliminary plat to the Planning and Zoning Commission for preliminary review and recommendations. The preliminary plat may require more than one (1) Planning and Zoning Commission review.
12. The preliminary plat may be returned to the petitioner with any requirements for amendment.
13. After Commission recommendation, the petitioner submits the preliminary plat to the City Council.
14. If the preliminary plat is approved by the Commission, the petitioner will then install all improvements and shall submit ten (10) copies of the final plat, one (1) of which shall be full-size and the remaining may be reduced in size, to the Zoning Administrator, as well as copies to the City Administrator, City Engineer, and Building Inspector, and at the same time submit a proposed resolution for the City Council.
15. The final plat shall be review by:
  - a. City Engineer.
  - b. Mayor and City Council.
  - c. City Administrator.
  - d. Planning and Zoning Commission.
  - e. Building Inspector.
  - f. Zoning Administrator.
16. The final plat and all associated legal documents are referred to the City Council after final recommendation by the Planning and Zoning Commission. If the subdivision is approved by the Council, the resolution will be signed by the Mayor and the City Clerk. A copy of the final plat along with a copy of the City Council resolution will be sent to each of the following offices:
  - a. City Engineer.
  - b. City Administrator.
  - c. Building Inspector.
  - d. Zoning Administrator.
  - e. Mayor and City Council.
  - f. County Recorder.
  - g. County Assessor.
  - h. County Auditor.
  - i. Petitioner.
17. After final approval by the City Council and acceptance of the improvements, the final plat is filed in the County Recorder's Office.
18. The following information may be required by the County Recorder, per IC 354.11:
  - a. Plat.

- b. Abstract.
- c. Survey.
- d. Deed of Dedication.
- e. Attorney's Opinion.
- f. Treasurer's Certificate.
- g. Restrictive Covenants, if not included in the Deed of Dedication.
- h. Resolution(s) from the appropriate governing body or bodies.

**Minor Subdivision Procedure:** The division of any lot or parcel of land classified by the Zoning Administrator as a “minor subdivision”, as defined in the Denver Subdivision Ordinance, shall follow this procedure.

1. Check with Zoning Administrator and City Administrator for current zoning ordinances, subdivision regulations, land use classifications, and other code applicability. The property must be correctly zoned before subdivision will be considered by the City.
2. Check with Public Works Department for water and water pollution control standards.
3. Submit five (5) copies of the plat, one (1) of which shall be full-size and the remaining may be reduced in size, to the Zoning Administrator, as well as a copy for the City Administrator, along with the minor subdivision application form and fee payment.
4. The plat will be reviewed by the following departments:
  - a. City Engineer.
  - b. Zoning Administrator and Building Inspector.
  - c. Mayor and City Council.
  - d. City Administrator.
  - e. Planning and Zoning Commission, if requested by the City Council

Within ten (10) days following submission of all information, all aforementioned departments will submit their findings to the City Council, who will either approve or disapprove the request.

**PRELIMINARY PLAT CHECKLIST FOR SUBDIVISIONS**

	Pre-Preliminary Plat Conference with City officials. Date held: _____
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	Concept Plan <input type="checkbox"/> Location of subdivision <input type="checkbox"/> Vicinity map <input type="checkbox"/> Street and block layout <input type="checkbox"/> Drainage courses and key size features <input type="checkbox"/> Proposed land uses			
	Date of Filing of Preliminary Plat: _____ 45 Day Planning Commission action time limit _____ 60 Day Time Limit for Further Study and Action _____			
	10 copies of Preliminary Plat, containing or accompanied by:			
	1. Name of subdivision, date, compass point, and legal description of the property being platted.			
	2. Scale of the plat on every plat sheet.			
	3. Names and addresses of the proprietor, of different than they owner.			
	4. Names and addresses of the proprietor's engineer or surveyor.			
	5. The existing buildings, railroads, utilities, and other rights-of-way.			
	6. Location, names, and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.			
	7. Location and names of adjoining subdivisions as well as a list of proprietors within two hundred (200) feet of the property to be subdivided.			
	8. Proposed lot lines with approximate dimensions and the square foot area of each lot.			
	9. Areas dedicated for public use, such as schools, parks, playgrounds, recreational trails, or greenspace. A minimum citywide ratio of at least two (2) acres of open space per one thousand (1,000) residents is maintained.			
	10. Contour lines shown at intervals of two (2) feet.			
	11. Building setback lines.			
	12. Boundaries of the proposed subdivision shall be indicated by a heavy black line.			
	13. Existing zoning of the proposed subdivision, as well as the existing zoning of the adjoining property or properties.			
	14. Proposed utility service for source of water supply.			
	15. Proposed utility service provision for sewage disposal, stormwater drainage, and flood control, if applicable.			
	16. A vicinity sketch at a legible scale showing the relationship of the Plat to its general surroundings.			
	17. Lots shall be numbered in a way that is acceptable to the County Auditor's office.			
	18. Existing and proposed easements showing widths and purposes of said easements.			
	19. If applicable, the regulatory flood elevation data limits of the one hundred (100) year floodplain boundaries, original and revised, must be shown.			
	20. Environmental studies may be required if a proposed subdivision is located in, or near, an environmentally sensitive area			
	Accompanying Material:			
	The proprietor shall also submit engineering documents regarding installation of the improvements with the preliminary plat.			
Individual/Official	Report Attached?		Signature	Date
	Yes	No		
Applicant/Developer's Engineer				
City Engineer's Approval				
Zoning Administrator's Approval				
Building Inspector's Approval				
City Administrator's Approval				
Planning and Zoning Commission Chairperson's Approval				
Mayor's Approval				

**FINAL PLAT CHECKLIST FOR SUBDIVISIONS**

	Preliminary Plat Approval Date: _____			
	Date of Filing of Preliminary Plat _____ 45 Day Planning commission action time limit _____ 60 Day Time Limit for further study and action _____			
	10 copies of Preliminary Plat, containing or accompanied by:			
	1. Name of subdivision and proprietor.			
	2. Scale of the plat on every plat sheet.			
	3. Arrow indicating the northern direction.			
	4. Curve data including delta angle, length of arc, degree of curve and length, and direction of the chord.			
	5. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles. The unadjusted error of closure shall not be greater than one (1) in ten thousand (10,000) for subdivision boundaries and shall not be greater than one (1) in five thousand (5,000) for an individual lot. The areas of irregular lots within the plat shall be shown and may be expressed in either acres to the nearest one-hundredth ( $\frac{1}{100}$ ) acre, or square feet to the nearest ten (10) square feet.			
	6. Exact name, location, width, and designation of all streets within the subdivision. Additionally, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and have the proposed use clearly designated			
	7. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage or access easements as are deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance shall be recommended by the Planning and Zoning Commission and approved by the City Council prior to the recording of the plat.			
	8. Building setback lines with dimensions.			
	9. Legal description of the property being subdivided.			
	10. Lot numbers.			
	11. Certificate of Survey.			
	12. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.			
	13. A table that lists coordinate values for all property corners.			
	Accompanying Material:			
	The documents required by Chapter 354.11 of the Code of Iowa.			
	A copy of any proposed restrictive covenants, which shall be submitted for the purpose of review and recommendation by the City Attorney.			
	Any dedication or easement to the City for any property intended for public use.			
Individual/Official	Report Attached?		Signature	Date
	Yes	No		
Applicant/Developer's Engineer				
City Engineer's Approval				
Zoning Administrator's Approval				
Building Inspector's Approval				
City Administrator's Approval				
Planning and Zoning Commission Chairperson's Approval				
Mayor's Approval				