

## **175.01 GENERAL PROVISIONS.**

1. Application. The regulations contained in this chapter shall apply to the subdivision of a lot, tract or parcel of land into two (2) or more lots, tracts or other divisions of land for the purpose of sale, transfer, or of building development, whether immediate or future, including the resubdivision or replatting of lots or land. They shall also apply to each situation where there is a dedication of streets, alleys, easements or land for other public use.

A. Any subdivision of land as described above shall not create substandard lots as defined or set out by any existing applicable ordinances.

B. The above provisions shall not be construed to limit the acceptance of deeds, right-of-way or other land by the Council when such acceptance is in the public interest.

C. These provisions shall not be construed to prohibit the sale of a portion of a legally platted lot by one owner to the owner of an adjoining legally platted lot provided: (a) the grantor's lot is not rendered substandard by being in violation of any of the provisions of the building, zoning, or subdivision ordinances of the City; and (b) the number of building parcels is not increased as a result of such conveyance.

D. The conveyance of an easement shall not be considered a subdivision for the purpose of this chapter.

2. Authority. These regulations are adopted pursuant to Chapter 354 of the Code of Iowa.

3. Extra-Territorial Jurisdiction. Pursuant to Section 354.9 of the Code of Iowa, the City hereby establishes its authority to review and approve subdivisions located within two (2) miles of its corporate boundaries.

4. Interpretation. The provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

5. Conflicts. These regulations are not intended to interfere with, abrogate, limit, repeal, or annul any other ordinance, rule or regulation, statute, provision of law, or easement, covenant, or other private agreement or restriction. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, whichever provisions are more restrictive or impose a higher standard shall control and prevail.

6. Variances. Where it can be shown that strict compliance with the requirements of this chapter will result in hardship to the applicant, the Council

may vary, modify, or waive the requirements of this chapter so substantial justice may be done and the public interest secured. No such variance, modification, or waiver should 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 as necessary to eliminate the hardship. In so granting a variance, the Council may impose such additional conditions as are necessary to substantially secure the objectives of the requirements so varied, modified, or waived. A request for a variance must be submitted in writing to the Council. The request shall state the grounds for the request and all the pertinent facts of the case.

7. Waivers for Subdivisions of Existing Platted Lots. The Council may waive the requirements of this chapter where existing platted lots are subdivided if all of the following conditions are satisfied:

- A. The resulting lots are not substandard as defined or set out by existing applicable ordinance.
- B. All public improvements are installed or will be installed as a condition of the waiver of said platting requirements.
- C. All necessary public right-of-way or easements are provided.
- D. A restrictive covenant is filed of record or other sufficient assurance is provided to deter or prohibit further re-subdivision without compliance with this chapter.
- E. No more than two lots are created as a result of the subdivision.

8. Exceptions for Industrially Zoned Real Estate. The requirements of this chapter shall be inapplicable to industrially zoned real estate within the City when all of the following circumstances exist:

- A. The parcel to be divided is a lot within a subdivision previously approved by the Council and has not previously been subdivided.
- B. The proposed subdivision will divide such legal lot into no more than two parts.
- C. The proposed subdivision shall not create a substandard lot as defined or set out in this chapter.

9. Recording of Plat. No subdivision of land within the area of jurisdiction of these regulations shall be filed for record with the County Recorder until such subdivision has been reviewed and approved pursuant to this chapter. Upon the approval of a final plat by the Council, it shall be the duty of the subdivider to immediately file such plat with the County Recorder as provided by Chapter 354 of the Code of Iowa. Unless such plat has been duly recorded and evidence thereof filed with the Clerk within ninety (90) days of approval by the Council, such approval shall be revocable by the Council.

10. Enforcement, Violations and Penalties:

- A. No building permits or certificates of occupancy shall be issued for any parcel or plat of land divided contrary to the provisions of this chapter.
- B. The Planning and Development Director shall enforce these regulations and shall bring to the attention of the City Attorney any violations or lack of compliance herewith.
- C. No owner, or agent of an owner, of land shall transfer or sell any lot or parcel divided from a larger parcel except in compliance with these regulations.
- D. Any person who fails to comply with or violates this chapter shall be subject to penalties as provided in Section 1.10 and/or Chapter 4 of this Code of Ordinances.
- E. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this chapter.
- F. The Council shall establish, from time to time, by resolution, fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the Clerk until all fees applicable to the plat have been received.
- G. Preliminary and final plats of owners may be rejected for processing under this chapter of the Code of Ordinances when the owner has another subdivision in process and with respect thereto is failing or refusing to meet the requirements of this chapter.

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