

**175.02 DEFINITIONS.** Terms defined in other chapters of this Code of Ordinances, including the Zoning Ordinance, Storm Water Management and Erosion and Sediment Control chapters, also apply to this chapter unless they conflict with a specific definition contained herein. The following words are defined for use in this chapter and shall be interpreted as follows:

1. “Abutting” means having a common boundary.
2. “Addition” means subdivision.
3. “Adjacent” means nearby (may or may not be abutting).
4. “Aliquot part” means a one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter fractional part of a section within the United States public land survey system.
5. “Alley” means a minor right-of-way dedicated to the public use, which is primarily for vehicular access to the back or the side of properties otherwise abutting on a street.
6. “Auditor’s Plat” – See “Plat, Auditor’s.”
7. “Block” means a land area within a subdivision which is entirely surrounded by public streets, streams, railroad rights-of-way, etc., or a combination thereof.
8. “Buildable area” means the area of a lot remaining, which may be built upon, after requirements of the Zoning Ordinance and the Flood Plain regulations, any easements and site specific physical limitations have been observed.
9. “City Engineer” means the City Engineer of the City.
10. “Commission” means the Planning and Zoning Commission of the City.
11. “Comprehensive Development Plan” means the plan or series of plans made for the future development of the area as approved and adopted from time to time by the Council. Such plans may indicate the general locations recommended for major streets, parks, public facilities, land uses, and other public improvements. Such plans may also contain statements of

policy of the City with respect to the physical development of the community.

12. “Conveyance” means a legal instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.

13. “Cul-de-sac” means a dead-end street having its closed end terminated in a vehicular turn-around or a circular paved area used for a vehicular turn-around at the end of a dead-end street.

14. “Days” means, unless otherwise specified, calendar days.

15. “Dedication” means a grant by the owner of title in fee simple of real property to the City for use as a public street, park, or other public facility.

16. "Design Standards Manual" means the latest edition of SUDAS as approved by the City Council.

*(Ord. 15-24 – Feb. 16 Supp.)*

17. “Developer” – See “Subdivider.”

18. “Division” means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway or street easement, shall not be considered a division for the purpose of this chapter.

19. “Easement” means authorization by a property owner for the use by another of any designated part of said person’s property for a specified purpose.

20. “Engineering Department” means the Engineering Department of the City.

21. “Escrow” means a deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Finance Director in a separate account.

22. “Final plat” means the map or plan or record of a subdivision and any accompanying material, as described in these regulations.

23. “Flood hazard area” means any land susceptible to being inundated by water as a result of a flood, and specifically, any land subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources, the Federal Insurance Administration, or specific engineering studies conducted on behalf of the City.

24. “Flood hazard area regulations” means Section 176.39 of this Code of Ordinances.

25. “Flood plain” – See flood hazard area.

26. “Frontage” means that side of a lot abutting on a street and ordinarily regarded as the front of the lot.

27. “Grade” means the slope of a road, street, or other public way expressed in terms of the ratio of rise to run as a percent.

28. “Grading plan” means a drawing of a proposed subdivision on a contour or topographic map showing existing and proposed contours at a contour interval of not more than five (5) feet and a scale of not less than one hundred (100) feet to the inch.
29. “Improvements” means the furnishing of all materials, equipment, work and services, including plans and engineering services, staking and supervision necessary. Changes and additions to land necessary to prepare it for building sites, including but not limited to street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, street trees, pedestrian ways and other public and private works and appurtenances.
30. “Improvements, plan of” means maps, engineering drawings, specifications, plans, and such other information as may be necessary to define and describe the location, design, capacity, materials, and other characteristics of a proposed subdivision improvement.
31. “Legal description” means a description defining land boundaries legally sufficient for the purpose of sale and conveyance, tax assessment and collection, and recording.
32. “Lot” means a tract of land represented and identified by a number or letter designation on an official plat.
33. “Lot, corner” means a lot with frontage on two intersecting streets.
34. “Lot, double frontage” means a lot which is not a corner lot with frontage on two streets.
35. “Lot of record” means a lot in a subdivision, the plat of which, or parcel of land, the deed of which was filed in the office of the County Recorder prior to March 24, 1962.
36. “Lot width” means the width of a platted lot measured at the front setback line and/or the front lot line.
37. “Lot, zoning” means an area of contiguous land which is designated by the owner or developer to be used, developed or built upon as a unit under single or unified ownership or control. A zoning lot may be a part of a single platted lot or a combination of several platted lots or parcels.
38. “Metes and bounds description” means a legal description of land, which describes the boundaries of the parcel by using distances and angles or bearings, or by reference to physical features of the land.
39. “Owner” means the legal entity holding title to or having proprietary interest in the land being subdivided or such representative or agent as is fully empowered to act on its behalf.
40. “Parcel” means a part of a tract of land.

41. “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 these regulations for a final plat, said cost being estimated by the City Engineer, 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.
42. “Permanent real estate index number” means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
43. “Planning and Development Director” means the Planning and Development Director of the City.
44. “Plat” means the map or other graphical representation and supporting documentation of the subdivider’s plan for division of land.
45. “Plat, auditor’s” means a subdivision plat required by either the auditor or the assessor, prepared by a registered land surveyor under the direction of the County Auditor in accordance with Section 354.13 through 354.17 of the Code of Iowa.
46. “Plat, final” means a subdivision plat map drawn to the standards of Section 355.8 of the Code of Iowa and satisfying the provisions of Sections 354.6 through 354.11 of the Code of Iowa which is presented for approval pursuant to this chapter prior to filing with the County Recorder, Auditor and Assessor.
47. “Plat, final bound copy” means a final plat with all required certificates and documents for filing with the County Recorder, Auditor and Assessor.
48. “Plat, official” means either an auditor’s plat or a subdivision plat, which has been filed for record in the offices of the County Recorder, Auditor and Assessor.
49. “Plat, preliminary” means a drawing and supportive information as required in Section 175.03 indicating the proposed manner of layout of the subdivision to be approved by the Commission and the Council upon finding conformance with the requirements and standards of this chapter, the Comprehensive Development Plan, and other City policies.
50. “Plat, sketch” means a sketch of a proposed layout of lots, blocks, streets, and public improvements prepared for a pre-subdivision conference prior to submittal of a preliminary plat.
51. “Plat, subdivision” means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique within Linn County.
52. “Plat of survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel

within the plat, prepared by a registered land surveyor. The plat of survey is limited under these regulations to use for conveyance of single parcels of land, unless the requirements to file a subdivision plat are waived by the Council.

53. “Proprietor” means 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 contract.

54. “Replat, re-subdivision” means a subdivision plat representing land that has previously been included in an official plat.

55. “Right-of-way” means a parcel of land intended to be occupied for streets, sidewalks, utilities, and other public purposes. In a plat, rights-of-way are to be separate and distinct from other lots or parcels. Rights-of-way intended for public facilities shall be dedicated to public use and title transferred to the appropriate public agency.

56. “Street” means a right-of-way serving more than one parcel of land which provides principal vehicular and pedestrian access to adjacent properties. Also, the paved area for vehicular travel located within such a right-of-way.

57. “Street, dead-end” means a street having only one end open to traffic.

58. “Street, frontage/backage” means a street located parallel to an expressway, major arterial street, or railroad to provide access to abutting properties.

59. “Subdivider” means the owner or agent under legal authority of the owner who undertakes to cause a parcel of land to be designed, constructed, and recorded as a subdivision.

60. “Subdivision” means a division of a tract of land into two (2) or more lots or parcels.

61. “Subdivision, major” means any subdivision which is not a minor subdivision because it requires either the construction of any public improvements or proposes new public or private streets or contains more than four (4) lots. Unless otherwise specified, the term subdivision as used within this chapter shall be assumed to refer to a major subdivision.

62. “Subdivision, minor” means any subdivision in which no new streets, public or private, are proposed and which does not require the construction of any public improvements and which contains no more than four (4) lots.

63. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 355 of the Code of Iowa.

64. “Tract” means an aliquot part of a section, a lot within an official plat or a government lot.

65. “Utility” means the services and facilities required to provide for the physical functions and activities in developed real property. “Utilities” includes but is not

limited to sanitary sewer, water, natural gas, electricity, telephone, cable television and other facilities and services. Utilities may either be provided by public or private agencies.