

**SUBDIVISION ORDINANCE
FOR THE
CITY OF LONG GROVE, IOWA AND CONTIGUOUS AREA**

AN ORDINANCE PRESCRIBING MINIMUM REQUIREMENTS FOR THE DESIGN AND DEVELOPMENT OF NEW SUBDIVISIONS AND OF RE-SUBDIVISIONS; PROVIDING FOR PRELIMINARY AND FINAL APPROVAL OF ALL SUBDIVISION PLATS AND PROVIDING FOR THE ENFORCEMENT OF THESE REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONG GROVE, IOWA:

ARTICLE I

**TITLE, PURPOSE, AUTHORITY, APPLICATION OF REGULATIONS, GENERAL PROVISIONS, AND
RULES AND DEFINITIONS**

Section 10. SHORT TITLE

This Ordinance may be known and cited as the “Subdivision Ordinance for the City of Long Grove, Iowa and Contiguous Area”.

Section 11. PURPOSE

The purpose of this Ordinance is to establish standards for the design and development of all new subdivisions and re-subdivisions of land, so that existing land uses and developments will be protected and so that adequate provisions are made for public utilities and other public requirements; to insure growth occurs in a manner consistent with the City of Long Grove Comprehensive Plan and to improve the public health, safety, and general welfare of the citizens of Long Grove; to safeguard the interest of the homeowner, the sub-divider, the investor and the City; to assure the development of land for the highest possible use with all necessary protection against deterioration and obsolescence; to provide common grounds of understanding and a sound working relationship between the City and the developer.

Section 12. AUTHORITY

This Ordinance is adopted in pursuance of the authority granted by Chapter 354 of the Code of Iowa .

Section 13. APPLICATION OF REGULATIONS

- 13.01. No person shall subdivide any tract of land which is located within the City of Long Grove or in any unincorporated area which is located entirely or in part within two (2) miles of the nearest corporate limits of the City except in conformity with the provisions of this Ordinance.
- 13.02. The subdivision plans and plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations herein.

Section 14.

GENERAL PROVISIONS

- 14.01. Whenever any subdivision of land shall hereafter be laid out within the incorporated limits of the City of Long Grove or within contiguous territory not more than two (2) miles beyond the incorporated boundary of the City of Long Grove, the subdivider thereof or his agent shall submit both a preliminary and a final subdivision plat to the Plan Commission for its approval in accordance with Chapter 354.9, Code of Iowa. The subdivision plats and all procedures relating thereto, shall in all respects be in full compliance with these regulations.
- 14.02. Until a preliminary plat and plans for the subdivision are approved;
- 14.02.01. No land shall be subdivided, nor any street laid out, nor any physical Improvements made to the natural land.
- 14.02.02. No lot, tract or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given.
- 14.02.03. No improvement of infrastructure shall be made.
- 14.03. All offerings or dedications of land to the City for use as streets, highways, alleys, schools, parks, playgrounds, or other public uses shall be referred to the Plan Commission for review and recommendation before being accepted by the City Council or by any other governing authority of the City of Long Grove.
- 14.04. Where a tract of land proposed for subdivision is part of a larger, logical sub-division unit in relation to the City as a whole, the Plan Commission may require a documented plan for the entire area or neighborhood. Such plan is to be used by the Plan Commission as an aid in judging the proposed plan. The City Engineer shall cooperate with the Plan Commission in the preparation of this plan and shall furnish such surveys and data as may be necessary.
- 14.05. Interpretation
- 14.05.01. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements.
- 14.05.02. Where the conditions imposed by any provision of this Ordinance upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, Ordinance, Resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- 14.05.03. The provisions of this Ordinance are not intended to abrogate any easement, covenant, or any other private agreement, provided those regulations are more restrictive or impose higher standards. Provisions of this Ordinance shall govern when other regulations are less restrictive.
- 14.05.04. Any permissive action granted the Plan Commission herein, shall likewise be deemed granted the City Council of Long Grove, when the preliminary plat and final plat are before the Council for action.

Section 15. RULES AND DEFINITIONS

For the purpose of this Ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular. The word “shall” is mandatory and not discretionary. The word “may” is permissive. The word “lot” shall be synonymous with the words, “plot”, “piece” and “parcel”. The phrase “used for” shall be synonymous with the phrases “arranged for”, “designed for”, “maintained for” and “occupied for”.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

- 15.01. Acquisition Plat. The graphical representation of the division of land or rights in land or rights in land, created as the 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.
- 15.02. Aliquot Part. A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
- 15.03. Alley. A public right-of-way dedicated primarily for vehicular traffic along the side or in the rear of properties which affords only a secondary means of access to abutting properties.
- 15.04. Auditor’s Plat. A subdivision plat required by either the auditor or the assessor, prepared by a registered land surveyor under the direction of the auditor.
- 15.05. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines of the City.
- 15.06. Bond. Any form of a surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Governing Body whenever a bond is required by this Ordinance.
- 15.07. Building. Any structure designed, built or intended for the shelter, enclosure, or protection of persons, animals or movable property of any kind.
- 15.08. Building Setback Line. A line within a lot or parcel of land, so designated on the plats of the proposed subdivision, where the erection of a building is prohibited between said line and the street boundary which the lot abuts.
- 15.09. City Engineer. The professional engineer registered in the State of Iowa designated as City Engineer by the City of Long Grove or other hiring authority.
- 15.10. Comprehensive Plan. The general plan for development of the community that may be titled master plan, comprehensive plan or some other title, which has been adopted by the City of Long Grove. Such “Comprehensive Plan” shall include any part of such plan separately adopted, and any amendment to such plan of parts thereof.

- 15.11. Conveyance. An instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
- 15.12. Crosswalk. A public right-of-way located across a block to provide pedestrian access to adjacent streets or areas.
- 15.13. Cul-de-sac. A minor street having one (1) open end and the other being permanently terminated by a vehicle turn around.
- 15.14. Division. The process of dividing a tract or parcel of land into two parcels by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of the Ordinance.
- 15.15. Easement. Authorization by a property owner for the use of a designated part of the property by the general public, a corporation or a certain person or persons for a specific purpose or purposes.
- 15.16. Flood Hazard Area. Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as a designated by the Iowa Natural Resources Council or the Federal Insurance Administration.
- 15.17. Floodway. The channel of a river or other water course and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
- 15.18. Governing Body. The City Council of the City of Long Grove, Iowa.
- 15.19. Government Lot. A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
- 15.20. Highway. A right-of-way for vehicular traffic which traverses a non-urban area or urban area, usually a State or Federal numbered route.
- 15.21. Improvements. Change to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways, and other public works and appurtenances.
- 15.22. Lot. A tract of land represented and identified by number or letter designation on an official plat.
- 15.23. Lot, Corner. A lot situated at the intersection of two streets.
- 15.24. Lot, Double Frontage. Any lot that is not a corner lot that abuts two streets.
- 15.25. Metes and bounds. The method used to describe a tract of urban land by utilizing distances and angles, distances and bearings or describing the boundaries of the parcel by reference to physical features of the land. It is intended for use with dwelling or other purposes so that it can be recorded in the County Recorder's Office, as contrasted with the description of a part of a properly approved and recorded Subdivision Plat by the lot and block number.
- 15.26. Official Plat. Either an auditor's plat or a sub-division plat that meets the requirement of this Ordinance and has been filed for record in the offices of the recorder, auditor and assessor.

- 15.27. Owner. The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
- 15.28. Parcel. A part of a tract of land.
- 15.29. 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.
- 15.30. Plan Commission or Planning Commission. The words “Plan Commission” or “Planning Commission” when used in this Ordinance, refer to the City Planning and Zoning Commission of the City of Long Grove, Iowa.
- 15.31. Plat. A plan, map, drawing or chart on which the subdivider’s plan for the subdivision of land is presented and which he submits for approval and intends to record in final form.
- 15.32. Plat, Final. The drawings and documents presented for approval and as described in Article III, Section 32.
- 15.33. Plat, Preliminary. The drawings and documents presented for conditional approval and as described Article III, Section 31.
- 15.34. Plat of Survey. 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.
- 15.35. Re-subdivision. Any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.
- 15.36. Roadway. The surfaced area within a street right-of-way intended for vehicular traffic, including all curb and gutter facilities.
- 15.37. Street. Public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” may refer to the right-of-way bounded by the property lines of such public property.
- 15.38. Street, Approved. Any street, meeting standards and specifications of the City of Long Grove.
- 15.39. Street, Arterial. A street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.
- 15.40. Street, Collector. A street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
- 15.41. Subdivisions. For the purpose of these regulations, a Subdivision of land is either:
- (1) the division of land into three (3) or more lots, sites, or parcels;
 - (2) establishment or dedication of a road, highway, street or alley through a tract of land regardless of area, or
 - (3) re-subdivisions of land heretofore divided or platted into lots, sites or parcels, provided, however, that the sale or exchange of small parcels of land where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land.

All for the purpose, whether immediate or future, of transfer of ownership or building development. When appropriate to the context, it may refer to the process of subdividing or land subdivided.

- 15.42. Subdivision Plat. 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 concise name or title that is unique for the county where the land is located.
- 15.43. Surveyor. A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa.
- 15.44. Tract. An aliquot part of a section, a lot within an official plat, or a government lot.
- 15.45. Utilities. Systems for the distribution or collection of water, gas, electricity, wastewater and storm water, cable television or other services.

ARTICLE II

MINIMUM STANDARDS OF DESIGN AND OF DEVELOPMENT

No subdivision plat shall be approved either by the City Plan Commission or by the City Council unless it conforms to the following minimum standards and requirements.

Section 20. ACRE SUBDIVISION

- 20.01. Whenever the area is divided into lots containing one or more acres, inclusive and there are indications that such lots will eventually be resubdivided into small building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.
- 20.02. The City of Long Grove reserves the right for easements to provide for the future openings and extensions of such streets and utilities, and may, at the discretion of the City Council, be made a requirement of the Plat.

Section 21. LAND SUITABILITY

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

If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the City shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the City may reaffirm, modify or withdraw its determination regarding such unsuitability.

Section 22. RELATION TO ADJOINING STREET SYSTEM

- 22.01. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing arterial streets in adjoining additions (or the proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein.

The street and alley arrangements shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- 22.02. Only full streets will be allowed to be recorded and included in the plat. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.
- 22.03. Whenever feasible, streets and avenues shall be numbered in accordance with the present numbering system. Streets that are obviously in alignment with others already existing and named shall bear the name of the existing street. Otherwise, names shall not duplicate existing street names and names similar to existing street names shall not be permitted.

Section 23. STREET AND ALLEY WIDTH

- 23.01. The minimum width for collector and local streets shall be sixty (60) feet, except that the Plan Commission may, in certain cases because of topography or special conditions, require a street of greater or less width.
- 23.02. The width for arterial streets and projected arterial streets shall be determined by the Plan Commission, subject to approval of the City Council, or by the City Council.
- 23.03. Dead-end streets (cul-de-sac) are to be avoided but if necessary in the opinion of the Plan Commission, they shall terminate in a circular cul de sac with a minimum diameter of one hundred (100) feet unless the Plan Commission approves an equally safe and convenient space.
- 23.04. Alleys in residential areas shall not be permitted except where deemed necessary and recommended by the Plan Commission. Where permitted, the minimum width of an alley in a residential area shall be twenty (20) feet.
- 23.05. Alleys shall be required in the rear of all commercial and industrial districts and shall be at least twenty (20) feet wide; the Plan Commission may waive this requirement where other definite and assured provision is made for service access or where the uses proposed for the particular area do not require access by alley.
- 23.06. Where alleys are not provided, easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas and water mains. Easements of greater width may be required along main sewers and similar utilities.

Section 24. BLOCKS AND LOTS

- 24.01. No block shall be longer than one thousand (1000) feet between street lines.
- 24.02. The width of blocks, except for special reasons shall not be less than two hundred twenty (220) feet and not more than three hundred fifty (350) feet.
- 24.03. All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage shall be avoided.
- 24.04. The minimum area of lots, except in areas zoned for commercial and industrial uses, shall be six thousand (6,000) square feet and the width of each lot shall be not less than sixty (60) feet.
- 24.05. Corner lots shall have extra width sufficient to permit the maintenance of building lines on both front and side streets.
- 24.06. Lots at street intersections shall have a radius of not less than fifteen (15) feet at the street corner. On commercial or industrial lots, a cutoff or chord may be substituted for the circular arc.

Section 25. BUILDING LINES

Building lines shall be shown on all lots. The City Council may require building lines in accordance with the needs of each subdivision. Provision shall be made by deed requiring all enclosed parts of buildings to be set back to such building lines.

Section 26. CHARACTER OF DEVELOPMENT

The City Council shall have the right to negotiate with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development in the property which is subdivided.

Section 27. LAND SUBJECT TO FLOODING OR POOR DRAINAGE

No plat will be approved for a subdivision which is subject to periodic flooding or which contains poor drainage facilities and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements guaranteeing that the area is safe for residential occupancy and provides adequate lot and street drainage, and certifying this fact by a registered professional engineer in the State of Iowa, the preliminary plat of the subdivision may be approved.

27.01. Accommodation of Upstream Drainage Areas.

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall supply the City Engineer with engineering designs and the City Engineer shall review the necessary size of the facility, based on provisions of the construction standards and specifications permitted by the City. The engineering costs of facility design and design review shall be charged to the subdivider.

27.02. Effect on Downstream Drainage Areas. Where it is anticipated that the additional runoff from the development of the subdivision will overload an existing downstream drainage facility, the Plan Commission may withhold approval of the plat until provisions have been made for an on-site retention facility. No plat shall be approved unless adequate drainage will be provided to an adequate drainage facility. The cost of engineering for downstream drainage areas shall be the responsibility of the developer. The City Engineer shall review, at the cost of the developer, the engineering designs for adequate drainage which shall be provided by the developer and completed by a certified professional engineer.

27.03. Flood Hazard Areas. The Plan Commission may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property that lies within a floodway or flood hazard area. The area shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Plan Commission.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the City: included within individual lots in the subdivision, subject to the limitations of this section; reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners; or if acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

Section 28. IMPROVEMENTS

In addition to the standards set forth in this Ordinance, the City Engineer shall from time to time prepare, and the City Council from time to time shall adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may

vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by improvements.

Upon adoption by the City Council by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth herein.

28.01. Installation of Improvements or Bond/Letter of Credit Required. Before the Final Plat of any subdivided area shall be approved and recorded, the subdivider shall make and install the improvements described in this subsection at the developer's expense, without reimbursement by the local government. The subdivider shall be required to provide the City proper maintenance bonds satisfactory to the City, so as to insure that for a period of two (2) years from the date of acceptance of any improvement, the subdivider shall be responsible to maintain such improvements in good repair. In lieu of final completion of the minimum improvements, before the plat is finally approved, the subdivider may follow either of the following alternate methods.

28.01.01. The subdivider may complete the improvements in units of not less than either one block or of five hundred (500) feet in length and post a surety bond or letter of credit with the City of Long Grove, which shall ensure the City that all of the remainder of the improvements will be completed by the subdivider within a certain period of time after the final approval of the plan. The form and type of bond or letter of credit shall be approved by the City Attorney and the City Council for the City of Long Grove, and the amount of the bond or letter of credit shall be not less than the estimated costs of the improvements, and the amount of the estimate must be approved by the City Engineer. If the improvements are not completed within the specified time, the City Council may use the proceeds of the bond/letter of credit or any necessary portion thereof to complete same. Unless the Council grants a longer period of time, the bond or letter of credit shall state that improvements shall be completed within two (2) years after final approval of the plan.

28.01.02. To petition the City Council to provide the necessary improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments. Provided, however, the subdivider shall be responsible for and shall post a bond or letter of credit as required in 28.01 of this section for any differences between the cost of the improvements and the amount that can be legally assessed by the City against the subdivided property and shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement.

28.02. Inspection of Improvements.

28.02.01. All plans and specifications for improvements set forth below, shall be prepared and certified by an Iowa Registered Professional Engineer.

28.02.02. The cost of engineering and inspection of improvements determined on the period of time devoted to the project shall be charged to the subdivider.

28.02.03. When such facilities have been installed, they shall become the property of the City and under the exclusive jurisdiction and control of the City.

28.03. Monuments and Markers. The subdivider shall provide monuments and markers placed so that the cap shall coincide exactly with the intersection of lines to be marked, and they shall be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments shall be set; at the intersection of all lines forming angles in the boundary of the subdivision; and at every point of intersection of the outer boundary of the

subdivision with an existing or created street, railroad or other right-of-way line. Markers shall be set; at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves along street property lines; at all angles in property lines of lots; and at all other lot corners not established by a monument. Monuments shall be of concrete or stone at least thirty-six (36) inches long and six (6) inches in diameter. Markers shall consist of iron pipes at least thirty-six (36) inches long and not less than five-eighths (5/8) inch in diameter. Solid round or square iron or steel bars of equal or greater length may be used in lieu of pipes wherever pipes are specified in this section. Both monuments and markers shall have a cap affixed to the top of same that is capable of being detected by magnetic or electronic equipment and is made of a reasonably inert material, bearing an embossed or stencil-cut marking of the Iowa registration number of the registered land surveyor that prepared the survey.

- 28.04. Street Improvements. All streets shall be filled or excavated to the grade approved by the City Engineer and Council, depending upon the location of the subdivision, and the roadway improved by surfacing. The minimum standards for surfacing shall be not less than the following requirements.
- 28.04.01. The minimum width of surfacing of streets shall be thirty-one (31) feet.
 - 28.04.02. Such surfacing shall be of a type conforming to the traffic requirements of each street but in no event shall it be less than an all-weather surface capable of bearing vehicles at all seasons.
 - 28.04.03. Local streets shall be surfaced with Portland concrete cement not less than six (6) inches thick with mesh reinforcement or seven (7) inches without the mesh reinforcement. Arterial streets shall be improved with nine (9) inches reinforced concrete and collector streets shall be improved with reinforced concrete seven (7) inches thick.
 - 28.04.04. Curbs and gutters on local street shall be of the integral rolled type unit, not less than twenty-four (24) inches in overall width, and not less than six (6) inches thick where they abut the street pavement.
 - 28.04.05. The subdivider shall be required to install the full width of surfacing herein required, when a street along the outer edge of his subdivision borders adjacent property that cannot bear its share of the cost of surfacing.
 - 28.04.06. All surfacing shall substantially conform to the specifications of, and the construction reviewed by the City Engineer.
 - 28.04.07. Curbs and drainage structures and necessary connecting drains shall be required along each side of the surfacing whenever a storm sewer outlet is reasonably accessible to the area proposed for subdivision. In order to prevent serious erosion because of the grade of the street, the Plan Commission may require curb and drainage structure and necessary connecting drains to be constructed regardless of whether a storm sewer outlet is reasonably accessible or not.
 - 28.04.08. When curb and drainage structures are required, the minimum width of surfacing shall be thirty-one (31) feet for streets.
 - 28.04.09. Where streets are so located and used as to come under the definition of collector streets, primary thoroughfares and secondary thoroughfares, in the opinion of the Plan Commission and City Council, the width of surfacing and type of surfacing shall be as established by the Plan Commission, subject to approval of the City Council, or by the City Council.

- 28.04.10. Unless otherwise designated by the City Engineer, streets shall be graded no flatter than a minimum grade of one half (0.5) percent and not steeper than a maximum grade of six (6) percent.
- 28.05. Water Lines.
- 28.05.01. Where an approved public water supply is reasonably accessible or procurable, the City shall install, or order installed the necessary water mains, fire hydrants, and laterals to lot line when so ordered by the City Council in accordance with the terms as set forth herein.
- 28.05.02. The entire cost of installation of the lines shall be paid by the subdivider.
- 28.05.03. This is established as a guide to residential developments of subdivisions. However, each extension of water service will be assessed on its own individual merits and /or conditions.
- 28.06. Public Sanitary Sewers, Storm Sewers and Drainage.
- 28.06.01. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer, and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in his subdivision. Sewer systems shall be in accordance with the IA DNR and be built under the inspection of the City Engineer.
- 28.06.02. Adequate provisions shall be made for the disposal of storm water, subject to the approval of the Plan Commission and the City Council. The Plan Commission shall not recommend for approval any plat that does not make adequate provisions for storm and flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed according to specifications set by the City Engineer, and a copy of design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than four hundred (400) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
- 28.06.03. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall at his own expense make adequate provision for proper drainage of the surface water. The subdivider also shall provide the City of Long Grove an easement along each side of the stream. The easement shall be for the purpose of future widening, improving or protecting the stream. The width of such easement shall be adequate to provide any necessary channel relocation or straightening, but in no case shall each easement be less than thirty (30) feet on either side of stream centerline. When the drainage of a stream is being corrected as to not impact adjacent property owners, the disturbance to the adjacent land should be upgraded or returned to its previous condition.
- 28.07. Sidewalks and Sidewalk Areas. When curb and drainage structures and necessary connecting drains are installed by the subdivider, pursuant to this Ordinance, sidewalks shall be constructed to a minimum width of four (4) feet and shall be placed a minimum distance from the back of the curb of three and one-half (3-1/2) feet. The grade and location of all

permanent walks shall be constructed to the City standards as to location, construction and materials.

- 28.08. Playgrounds and School Sites. In subdividing property, due consideration shall be given to the dedication of suitable sites for parks, playgrounds, open spaces and school sites so as to conform as nearly as possible to the recommendations of the Council in its Comprehensive Plan of the City and adjacent areas. Such provisions shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to the City. In all subdivisions plats submitted for acceptance and approval by the Council, at least ten percent (10%) of said land shall be dedicated to the public for open spaces, parks and playgrounds. The land must be accessible to all residents and a minimum of fifty percent (50%) of the dedicated land must be continuous and deemed, by the City, as suitable for its intended purposes.

The ten percent (10%) set aside for open spaces, park, playgrounds and recreational development shall apply to all subdivisions. The land value in a subdivision shall be established by a certified land appraiser. The City, at its discretion, may accept partial or complete settlement of the ten percent (10%) requirement in cash in lieu of land. The amount of cash or land to be dedicated to the City shall be determined prior to final approval of the subdivision plat. Any cash payment is due at the time of final approval of the subdivision plat and shall be placed in a City account to be used for the purchase or development of open spaces, parks, playgrounds or recreational facilities.

Developers of subdivisions of twenty (20) acres or more shall give the City an option to purchase all or a portion of an additional 5-percent (5) of the development. Should the City not exercise its option to purchase within three (3) years of the date of the approval of the final plat of the subdivision, the City relinquishes all rights to purchase and the developer may then amend the final plat and incorporate the area into development.

Exceptions may be provided if close to an existing public park or for personal hardships.

28.09. Utilities.

- 28.09.01. Where an approved utility supply is reasonably accessible or procurable, the City shall install, or order installed underground, whenever possible, the necessary gas mains, gas lines, and/or poles, transformer and transmission lines, when so ordered by the City Council in accordance with the terms as set forth herein.
- 28.09.02. The entire cost of installation shall be paid by the subdivider.
- 28.09.03. Underground utilities. Where utility lines are placed underground entirely throughout a subdivided area, said conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.
- 28.09.04. Overhead utilities shall be located along rear lot lines if an underground alternative is not feasible. All utility lines for telephone and electric services shall be placed in rear line easements when carried on overhead pole whenever possible, to be determined by the City of Long Grove.

Section 29. FAILURE TO COMPLETE OR MAINTAIN IMPROVEMENTS IN ACCORDANCE WITH BOND.

In the event a subdivider has filed a bond or letter of credit in compliance with 28.01.01., and he has not provided for the facilities or their maintenance required under this section by the time the bond or

letter of credit expires, then the subdivider or his bondsman/lender shall forthwith cause such facilities to be installed or maintained without further delay or the subdivider or his bondsman/lender may, with the City Council's approval, cause such portion of the plat that has not been improved or maintained to be vacated, or the City Council may use the bond/letter of credit or any necessary portion thereof to complete or maintain the improvements.

ARTICLE III

PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

Section 30. PRE-APPLICATION PROCEDURES, PLANS AND DATA

- 30.01. Pre-Application Conference. Each subdivider of land shall confer with the Plan Commission and may confer with the City Engineer or City Attorney, in order to become thoroughly familiar with the Comprehensive Plan, and with any municipal regulations and procedures affecting the territory in which the proposed subdivision lies.
- 30.02. Pre-Application Plans and Data. Prior to filing an application for approval of the preliminary plat, the subdivider shall submit to the Plan Commission plans and data as specified below. This step does not require formal application fee, or filing of plat with the Plan Commission.
- 30.02.01. General subdivision data shall describe or outline the existing conditions of the site, and the proposed development as necessary to supplement the drawing required below. This may include information on existing covenants, land characteristics, and available community facilities and utilities and information describing the subdivision proposal – such as number of residential lots; typical lot width and depth; public areas; proposed protective covenant; and proposed utilities and street improvements.
- 30.02.02. Sketch plan on topographic survey shall show in simple sketch form the proposed location of subdivision, layout of streets, lots and other features, and arrangements of intended land uses in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of topographic survey. The sketch plan shall include the existing topographic data listed in Section 31.
- 30.03. Within sixty (60) days, the Plan Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of this Ordinance. When the Plan Commission finds that the plans and data do not meet the objectives of these regulations, it shall express its reasons therefore.

Section 31. PRELIMINARY PLAT PROCEDURES, PLANS AND DATA

- 31.01. Preparation of Preliminary Plat. On reaching conclusions informally, as recommended in Section 30 above, regarding the intended general program and objectives for a subdivision, the subdivider shall cause to be prepared a preliminary plat, together with improvement plan and other supplementary material as specified below.
- 31.02. Topographic Data For Preliminary Plat. Topographic data required as a basis for the preliminary plat, in 31.03, shall include conditions as follows, except when otherwise specified by the Plan Commission.
- 31.02.01. Boundary lines. Bearings and distances from field surveys.
- 31.02.02. Existing and Proposed easements. Location, width and purposes and limitations.

- 31.02.03. Streets on and adjacent to the tract. Right-of-way width and location; type, width and elevation of surfacing; any legally established center line elevations, walks, curbs, gutters, culverts, etc.
- 31.02.04. Existing and proposed utilities on and adjacent to the tract. The preliminary plat requires location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains, location of gas lines, fire hydrants, electric and communication line/poles and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to all underground facilities and the sizes of nearest ones, showing invert elevation of sewers.
- 31.02.05. Ground elevations on the tract. Based on the Long Grove datum plane. For land that slopes less than one-half (0.5) percent show not less than one (1) foot contours; for land that slopes one-half (0.5) to two (2) percent, show not less than two (2) foot contours; and for land that slopes more than two (2) percent show not less than five (5) foot contours.
- 31.02.06. Subsurface conditions on the tract, if required by the Plan Commission. Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
- 31.02.07. Other conditions on the tract. Water courses, floodplains, marshes, rock, outcrops, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, accessory buildings and other significant features.
- 31.02.08. Other conditions on adjacent land. Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, communication lines, towers and other nearby non-residential land uses or adverse influences; and owners of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, and show approximate percent build-up, typical lot size, and dwelling type).
- 31.02.09. Existing and proposed zoning on and adjacent to the tract.
- 31.02.10. Name and legal description. Present tract designation according to official records in office of the County Recorder; name under which proposed subdivision is to be recorded with names and addresses of owners; notation stating acreage, scale, north arrow and date; and name, address and profession of the person preparing the Preliminary Plat.
- 31.03. Preliminary Plat Specifications. The preliminary plat shall be at a scale of not more than one hundred (100) feet to one (1) inch. It shall show all conditions required in 31.02, and shall show all proposals, including the following:
- 31.03.01. The location of present property, and section lines and lines of corporate limits and other legally established districts, streets, buildings, water courses, tree masses, and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto.

- 31.03.02. The proposed location and dimensions, including width, of streets, alleys, lots, and buildings and set-back lines and easements, if any.
 - 31.03.03. Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.
 - 31.03.04. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract which shall not duplicate or resemble existing subdivision names in the County.
 - 31.03.05. The name and adjoining boundaries of all adjoining subdivisions and the names of record owners of adjoining parcels of unsubdivided land shall be attached.
 - 31.03.06. Contours with intervals as set forth in 31.02.05.
 - 31.03.07. Grades and profiles of streets and plans and written and signed statements explaining how the subdivider proposes to provide and install improvements meeting the requirements of Article II, Section 28, of this Ordinance.
 - 31.03.08. Sites, if any to be reserved or dedicated for schools, parks, playgrounds, bike path of other public, semi-public or community purposes.
- 31.04. Other Preliminary Plans and Requirements.
- 31.04.01. When required by the Plan Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalks; and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on the Long Grove datum plane.
 - 31.04.02. Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
 - 31.04.03. Plats containing three (3) lots or less may be exempted from the above requirements of the Preliminary Plat.
- 31.05. Preliminary Plat Submission. Eight (8) copies of the preliminary plat and supplementary material specified, and fee as required by this Ordinance, shall be submitted to the Plan Commission with written application for approval at least seven (7) day prior to the meeting at which it is to be considered. The Plan Commission shall provide a copy to the City Engineer and such other persons as necessary to review the plat.

- 31.06. Plan Commission Action. Following review of the preliminary plat and other data submitted in compliance with these regulations, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Plan Commission shall, within sixty (60) days, act on the plat and data as submitted or modified, and, if approved, the Plan Commission shall express its approval thereof and state the conditions of such approval, if any, or, if disapproved, the Plan Commission shall express its disapproval and its reasons thereof.
- 31.07. City Council Action. If the Commission does not act within sixty (60) days, the preliminary plat shall be deemed to be approved, however, the subdivider may agree to an extension of the time for a period not to exceed ninety (90) days, The Commission shall submit its recommendation to the City Council for its action. If no action is taken by the City Plan Commission within sixty (60) days after submission or within the extended time period, the City Council shall consider the same within the next thirty (30) day period.
- 31.08. Authorization to Install Improvements. The approval of the preliminary plat by the City Council does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and with the installation of the necessary improvements therein in accordance with the requirements of this Ordinance and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until or unless the plat, profiles, cross-sections and specifications for the construction of such improvements have been submitted to and approved in writing by the City Engineer. In the event of disapproval, the City Council shall give the reasons therefore and shall notify the subdivider what changes must be made to obtain approval.
- 31.09. Completion and Acceptance of Improvements or In Lieu of Requirements for Improvements to be Completed Prior to Final Plat. Before the City of Long Grove will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution by the City Council. Before passage of said resolution of acceptance, "as built" plans for all improvements shall be provided to the City Engineer and the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between the subdivider and the City. In lieu of the requirements for said improvements, the subdivider may follow alternate methods as specified in Article II., Section 28. Improvements.
- 31.10. One (1) copy of the approved preliminary plan, signed by the Mayor and City Clerk, shall be retained in the City Clerk's Office, and one (1) copy in the Office of the Plan Commission, one (1) copy for the use of the City Attorney and City Engineer and one (1) signed copy shall be given to the subdivider.

Section 32. FINAL PLAT PROCEDURES, PLANS AND DATA

- 32.01. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- 32.02. Application for approval of the final plat shall be submitted in writing to the Plan Commission at least seven (7) days prior to the meeting at which it is to be considered.

- 32.03. Final Plat Submission. Eight (8) copies of the final plat and other exhibits required for approval shall be prepared as specified below and shall be submitted to the Plan Commission within six (6) months after approval of the preliminary plat; otherwise such approval shall become null and void unless application for an extension of time is made to and granted by the Plan Commission.
- 32.04. Final Plat shall be drawn in ink on sheets not to exceed thirty (30) inches wide by thirty-six (36) inches long and shall be at a scale of one hundred (100) feet or less to one (1) inch.
- 32.05. If the final plat conforms to the approved preliminary plat and if the necessary improvements are constructed in accordance with the approved plans therefore or a satisfactory surety and maintenance bond or letter of credit submitted assuring their construction in accordance with the approved plans, the final plat shall be approved.
- 32.06. Final Plat Specifications. The Final Plat shall show:
- 32.06.01. The boundary lines of the area being subdivided with accurate distances and bearings.
 - 32.06.02. The lines of all proposed streets and alleys with their width and names.
 - 32.06.03. The accurate outline of any property which is offered for dedication for public use.
 - 32.06.04. The lines of all adjoining lands and the lines of adjacent streets and alleys with their width and names.
 - 32.06.05. All lot lines and an identification system for all lots and blocks.
 - 32.06.06. Building lines and easements for any rights-of-way provided for public use, services or utilities, with figures showing their dimensions.
 - 32.06.07. All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, and of any other areas for public or private use; the linear dimensions are to be expressed in feet and decimals of a foot.
 - 32.06.08. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
 - 32.06.09. All survey monuments and bench marks together with their description.
 - 32.06.10. Name of the subdivision and description of property subdivided, showing its location and extent, points of compass, scale of plat, and name of owner or owners or the subdivider.
 - 32.06.11. Certification by a surveyor, licensed under the laws of Iowa, to the effect that the plat represents a survey made by him and that all the necessary monuments are correctly shown thereon.

- 32.07. Other Required Documents.
- 32.07.01. Private restrictions and trusteeships and their periods of existence, if any, should such restrictions and trusteeships be of such length as to make the lettering of same on plat impracticable and thus necessitate the preparation of a separate instrument shall be made on the plat. Plats shall contain proper acknowledgment of owners and the consent by the mortgagees to said plat and restrictions.
- 32.07.02. Cross section and profiles of streets showing grades approved by the City Engineer. The profiles shall be drawn to City standard scales and elevations and shall be based on the Long Grove datum plane.
- 32.07.03. A notice from the City Clerk of the City of Long Grove stating that there has been filed with and approved by the City Attorney and the City Council, one of the two following alternatives:
- 32.07.03.01. A certificate by the City Engineer that all improvements and installations to the subdivision required for its approval have been made or installed based on "as built" plans in accordance with the City specifications, and a maintenance bond guaranteeing the improvement for a period of two (2) years against defective materials and workmanship and a resolution of acceptance by the City Council for said improvements.
- 32.07.03.02. A bond, letter of credit or certified check has been posted, which is available to the City and in sufficient amount to assure completing and guaranteeing the improvement for a period of two (2) years against defective materials and workmanship of all required improvements.
- 32.07.04. Protective covenants in form for recording.
- 32.07.05. Other data. Such other certificates, affidavits, endorsements or dedications as may be required by the Plan Commission in the enforcement of these regulations.
- 32.08. The final plat submitted to the Plan Commission for approval shall be accompanied by a notice from the City Clerk of the City of Long Grove, stating that there has been filed with and approved by the City Attorney and Section 32. 07.03 shall apply. If no notice is so furnished, approval by the Plan Commission shall be conditioned upon completion of improvements or furnishing bond/letter of credit prior to the City Council giving approval of the final plat.
- 32.09. Plan Commission Action. Within sixty (60)) days after application for approval of the final plat, the Plan Commission shall approve or disapprove it unless, however, the Subdivider and Plan Commission have mutually agreed to an extension of time, and make it known immediately to the Clerk and the Council its action on the final plat. If the Plan Commission approves such plat, the date thereof shall be noted on the plat over the signature of its chairman. If the plat is not approved, the Plan Commission shall set forth its reasons in its own records and provide the applicant and City Council with a copy.
- 32.10. Final Approval by the City Council. After approval of the final plat of the subdivision by the Plan Commission, the recommendation of approval and the final plat shall be submitted to the City Council by the Chairman of the Plan Commission for final approval and for acceptance of all streets, alleys, ways, easements, parks or other areas preserved for or dedicated to the public.

If the Plan Commission does not approve the final plat of the subdivision, the City Council may approve said plat and accept the public areas and easements, thereon only by a three-fourths vote of the entire membership of the Council.

32.11. Filing.

- 32.11.01. After approval of the final plat by the Plan Commission, and the fulfillment of requirements of these regulations, one (1) copy of the final plat of the subdivision drawn in ink on sheets not to exceed thirty (30) inches by thirty-six (36) inches in size, shall be submitted to the City Council for approval.
- 32.11.02 Action must be taken by the City Council within forty-five (45) days after the final plat has been submitted for approval.
- 32.11.03 Upon approval of the City Council, the developer shall record the plat with the County Recorder of Scott County within four (4) months. If not recorded within this time, the approval shall be null and void. Before it is recorded in the Office of the County Recorder, the provisions of Chapter 354 of the Code of Iowa shall be complied with. Immediately after recording, the duly certified copy shall be filed with the City Clerk of the City of Long Grove.

ARTICLE IV

CERTIFICATION OF PLATS

The City Council, upon certification of the City Attorney, shall with a majority vote approve the Final Plat and Mayor and the City Clerk shall be authorized to sign the original sheet. The certificates on the Final Plat shall be in such form as to include the signatures of the Chairman of the Scott County Board of Supervisors and the County Auditor, where the plat covers land in the unincorporated area.

ARTICLE V

ADMINISTRATION AND LEGAL PROVISIONS

Section 50. VARIATIONS AND EXCEPTIONS

Whenever the tract to be subdivided is of such unusual size, shape or topographical conditions or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in real difficulties and extraordinary hardships or injustice, the Plan Commission may permit specific variations or modifications so that the subdivider is allowed to develop his property in a reasonable manner, but so at the time, the public welfare and interests of the City and surrounding area are protected and general intent and spirit of this Ordinance is preserved. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship.

Section 51. ENFORCEMENT

51.01. No plat of any subdivision shall be entitled to record in the County recorder's Office or have any validity until it shall have been approved in the manner prescribed herein.

51.02. The Zoning Enforcement Officer shall not issue building or repair permits for any structure located on a lot in any subdivision within the City Limits of Long Grove, the plat of which has been prepared after the adoption of this Ordinance but which has been approved in accordance with the provisions contained herein.

51.03. The City Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Ordinance, unless such subdivision or street has been approved in accordance with the provisions contained herein.

Section 52. FEES

The City Council shall, from time to time establish by resolution, fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the City Clerk; unless and until said plat is accompanied by the fee, as established by resolution of the City Council, and as required by this Ordinance.

Section 53. AMENDMENTS

Any regulations or provisions of this Ordinance may be changed and amended from time to time by the City Council as provided by Statute; provided that such changes or amendments shall not become effective until after study and report by the Plan Commission and until after a public hearing has been held, public notice of which shall have been given in an official paper or a paper of general circulation of the City of Long Grove at least fifteen (15) days prior to such hearing.

Section 54. BUILDING PERMIT

No building permit shall be issued by any governing official for the construction of any building or structure, within a subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this ordinance have been fully complied with.

Section 55. OCCUPANCY PERMIT

No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and roadways providing access to the subject lot or lots have been constructed.

Section 56. PENALTIES

Any persons, firm or corporation by omitting any of the provisions of this ordinance or who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this Ordinance, until the plat thereof has been approved by the City Council, and recorded by law shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold, disposed or offered for sale. Each day a violation is permitted to continue shall constitute a separate offense. 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 Ordinance.

Section 57. SAVING CLAUSE

If any Article, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any Article, provision or part thereof not adjudged invalid or unconstitutional.

Section 58. REPEALER

All Ordinances or parts of Ordinances in conflict herewith, are hereby repealed, except any Ordinance or parts of Ordinances that impose more restricting regulations than are imposed herein.

Section 59. EFFECTIVE DATE

This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Dated this 14th day of April, 2015.

Michael Limberg
Mayor of the City of Long Grove, Iowa

Jackie Wilcox
City Clerk of the City of Long Grove, Iowa