

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 PURPOSE. The purpose of these regulations is to establish minimum standards for the design, development and improvement of all new subdivisions and re-subdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety, and general welfare.

166.02 POLICY. It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City to provide for the orderly, efficient, and economic development of the City. And further:

1. Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
2. Regulations to Supplement and Facilitate. It is intended that these subdivision regulations shall supplement and facilitate the enforcement of provisions and standards, ordinances or regulations of the City.

166.03 APPLICATION AND JURISDICTION. Every owner, or the owner's agent, of any parcel of land lying within the City or, pursuant to Section 354.9 of the Code of Iowa, within two (2) miles of the corporate limits of the City who has subdivided or shall hereafter subdivide the same into two (2) or more parts for the purpose of laying out an addition, subdivision, building lot or lots, or acreage lots shall cause plats of such area to be made in the form, and containing the information as hereafter set forth, before selling any lots therein contained or placing the plat on record.

166.04 INTERPRETATION. In their interpretation or application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Specifically:

1. Relationship to Other Public Provisions. These regulations are not intended to interfere with, or abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. 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, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. Relationship to Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

166.05 ACTION UNDER PRIOR PROVISIONS. These regulations do not abate any action now pending under, or be virtue of, prior existing subdivision regulations. Nor do they discontinue, abate, modify, or alter any penalty accrued or about to accrue, or affect the liability of any person, or waive any right of the City under any section or provision existing at the time of adoption of these regulations. Nor do they vacate or annul any rights obtained by any person, by lawful action of the City except as expressed in these regulations.

166.06 DEFINITIONS. For use in this chapter the following terms or words are defined:

1. "Alley" means a public or private right-of-way primarily signed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. "Applicant" means the owner of land to be subdivided or its representative.

3. "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries.
4. "Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.
5. "Building" means any structure built for support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
6. "Central sewage system" means a private sewer system including collection and treatment facilities established by the developer to serve a new subdivision or re-subdivision.
7. "Central water system" means a private water system established by the developer to serve a new subdivision or re-subdivision. It includes water treatment and distribution facilities.
8. "City Engineer" means the person designated by the Council to furnish engineering assistance for the administration of these regulations.
9. "Commission" means the Planning and Zoning Commission of Robins, Iowa.
10. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal or traffic movement.
11. "Developer" means the owner of land proposed to be subdivided or such owner's representative.
12. "Easement" means an authorization by a property owner for the use by another, and for a specified purpose, or any designated part of said owner's property.
13. "Frontage" means that portion of a lot abutting on a street or way and complying with the set back and front yard requirements as they may exist, but it shall not be considered as the side of a corner lot.
14. "Individual sewage disposal system" means a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
15. "Local board of health" means the Linn County Health Department.
16. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

17. “Municipal arterial streets” means those streets which connect principal traffic generating areas or connect such areas with other street systems.
18. “Municipal collector streets” means those streets that collect traffic from municipal service streets and connect to other street systems.
19. “Municipal service streets” means those streets that primarily provide access to property.
20. “Owner” means any person having legal title to or sufficient proprietary interest in the land to be sought to be subdivided under these regulations.
21. “Plat” means a map, drawing or chart on which the developer’s plan of the subdivision of land is presented and which the developer submits for approval and intends, in final form, to record.
22. “Public improvement” means any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
23. “Right-of-way” means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term “right-of-way “ for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separated and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
24. “Roadway” means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
25. “Street” means and includes any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words includes every other of them, and includes the entire width between property lines.
26. “Subdivider” means a person or developer undertaking the subdivision or resubdivision of a parcel of land.

27. “Subdivision” means the division of land into two (2) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

28. “Surveyor” means a land surveyor licensed and registered under the provisions of Chapter 114 of the Code of Iowa.

166.07 PROCEDURE. Any sub-division of property within the City limits of Robins shall be completed in a manner hereinafter set forth to obtain a final approval by the City Council. The subdivider or developer of the property being subdivided shall have preliminary and final plats prepared and required improvements completed or, in lieu thereof, performance bonds provided in conformance with the requirements of this Chapter.

1. Pre-Submission Consultations. Prior to the submission of the preliminary plat of any subdivision, the subdivider is encouraged to meet with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the procedural steps, design standards, required improvements and platting requirements. During such meetings, no commitments shall be made which will be binding upon the City.

2. Requirements of Preliminary Plat. Every proposed subdivision shall be submitted for tentative approval in the form of a preliminary plat prior to the submission of a final record plat. The purpose of the preliminary plat and accompanying material is to provide all facts needed for the Commission and Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interest. The following graphic and descriptive material is required to be provided on the preliminary plat and in the accompanying material.

A. Submission Requirements. The preliminary plats shall contain the information as prescribed within the “Submission Requirements For Preliminary Plats” contained in the Appendix of this Code of Ordinances and included in this chapter by reference.

B. Construction Plan and Specifications. Specification and engineering construction drawings including profiles, cross-sections, and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the

city's construction and specification standards, including a site grading plan for the entire subdivision.

3. Submission of Preliminary Plat. The developer shall have a preliminary plat prepared in accordance with the provisions of subsection 2 of this section and shall submit an application for tentative approval of the preliminary plat in conformance with the following requirements:

A. Application. The preliminary plat application shall include, but is not limited to, the following:

- (1) The name, address, and contact information of person or organization submitting the plat.
- (2) The name, address, and contact information of the engineering firm that prepared the plat.
- (3) The present zoning classification of the property.
- (4) A statement of the general reason or any additional information pertaining to the subdivision.
- (5) Completed Preliminary Plat Checklist.
- (6) Landscaping Plan.
- (7) Subdivision sign fee paid.
- (8) Platting fee paid.

B. Number of Plats. Be accompanied by a minimum of fifteen (15) copies of the preliminary plat.

C. Time of Submission. Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Commission.

D. Fees. Any person who submits an application under the terms of this subsection shall be charged a fee in accordance with a schedule of fees established by resolution by the City Council. The denial of an application by the City Council shall not be construed as any reason for refunding the fee to the applicant.

(1) In the event that the above-cited fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary and final plats, the subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.

(2) In addition to the plat filing fees, the subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements

for inspection, testing, or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.

(3) The Council shall annually, by resolution, determine the hourly rate, which it will pay for professional engineering services, which shall be deemed to be the maximum rate, which may be imposed upon any subdivider during such annual period.

4. Referral of Preliminary Plat. The Zoning Administrator shall review the application and information for completeness. Upon acceptance, the City Clerk shall, within 5 days, refer two (2) copies of the preliminary plat to the City Engineer and, if the Zoning Administrator deems appropriate, the City Clerk shall refer copies to other City or school officials for recommendations concerning matters in their jurisdictions.

5. Review of Preliminary Plat. The preliminary plat shall be reviewed by the Commission to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Recommendations of the City Engineer and from other City and school officials shall be transmitted to the Commission within two (2) weeks prior to the scheduled Commission public meeting. The Commission may confer with the subdivider or developer during the public meeting on changes deemed advisable and the kind and extent of such improvements to be made.

6. Action By the Commission. The Commission shall, as soon as possible, but not more than thirty (30) days thereafter, vote upon the preliminary plat as originally submitted or modified. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be denied; provided, however, the Commission may agree with the developer to an extension of the time period not to exceed an additional sixty (60) days. The Commission shall then set forth a recommendation to the City Council, whether of approval, modification or disapproval.

A. Reasons for Changes or Disapproval. In the event that substantial changes or modifications are made by the Commission or the Commission recommends disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be re-submitted in the same manner as the original plat.

B. Tentative Approval. If the Commission recommends approval, it shall express its approval as “Tentative Approval” and state the conditions of such approval, if any.

C. Documenting Approval. The action of the Commission shall be documented by resolution along with any conditions determined by the Commission. The resolution shall be signed and dated by the Commission Chairperson and Zoning Administrator and the resolution shall be attached to the preliminary plat. The City Clerk shall distribute one copy of the resolution to the subdivider or developer, one copy to the City Engineer and five (5) copies shall be referred to the City Council and the original shall be filed.

7. Action By Council. Within thirty (30) days of the receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. In the event the Commission recommends disapproval, the preliminary plat shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. If the preliminary plat is disapproved, objections to it shall be returned to the Commission for further review and the Clerk shall notify the subdivider of such action. If approved, the Clerk shall affix his or her signature to five (5) copies of the preliminary plat with the notation of the date the preliminary plat received the council’s tentative approval. One copy shall be returned to the Commission and three (3) copies shall be returned to the subdivider. The “Tentative Approval” by the Council shall not constitute final acceptance of the addition or subdivision by the city but an authorization to proceed with preparation of the final plat.

8. Duration of Approval of Preliminary Plat. The approval of a preliminary plat by the Council shall be valid for a period of two (2) years from the date of such approval, except that every preliminary plat or portion thereof not final platted shall be subject to a requirement of being re-platted in order to comply with any municipal, state, or federal laws or regulations that have taken effect after approval of the preliminary plat. Once the preliminary plat expires, all or any portion of the property thereof change ownership, or changes zonings, the Subdivider shall be required to resubmit a new preliminary plat for approval subject to then current subdivision and zoning regulations before any development of the subdivision will be allowed. (Ordinance No. 1701, 5/15/17)

9. Final Plat. 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, such portion shall conform to all requirements of these regulations.

10. Requirements of the Final Plat. The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

A. Contents of Final Plats. Every plat of a subdivision offered for record shall conform to the “Submission Requirements For Final Plats” section in the Appendix of this Code of Ordinances and included herein by reference.

B. Covenants. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.

11. Submission of Final Plat. The developer shall have a final plat prepared in accordance with the provisions of subsection 10 of this section and shall submit an application for approval of the final plat in conformance with the following requirements:

A. Application. The final plat application shall include, but is not limited to, the following:

- (1) The name, address, and contact information of person or organization submitting the plat.
- (2) The name, address, and contact information of the engineering firm that prepared the plat.
- (3) The present zoning classification of the property.
- (4) Copies any State or County permits obtained
- (5) Completed Final Plat Checklist.
- (6) Maintenance bond filing information.
- (7) Performance bond filing information.
- (8) Subdivision restrictive covenant information.
- (9) Any development agreements.
- (10) Street sign fee paid.
- (11) Platting fee paid.

B. Number of Copies of Plat. Be accompanied by a minimum of ten (10) copies of the final plat.

C. Offers of Dedication. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.

D. Time of Submission. Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Commission.

E. Fees. Any person who submits an application under the terms of this subsection shall be charged a fee in accordance with a schedule of fees established by resolution by the City Council. The denial of an application by the City Council shall not be construed as any reason for refunding the fee to the applicant.

(1) In the event that the above-cited fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary and final plats, the subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.

(2) In addition to the plat filing fees, the subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements for inspection, testing or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.

(3) The City shall determine, annually, by resolution, the hourly rate which it shall pay for professional engineering services, which shall be deemed to be the maximum rate, which may be imposed upon any subdivider during such annual period.

12. Referral of Final Plat. The Zoning Administrator shall review the application and information for completeness. Upon acceptance, the City Clerk shall, within 5 days, refer two (2) copies of the final plat to the City Engineer and, if the Zoning Administrator deems appropriate, the City Clerk shall refer copies to other City or school officials for recommendations concerning matters in their jurisdictions.

13. Action by Commission. The Commission shall, as soon as possible, but not more than thirty (30) days thereafter, vote upon the final plat submitted. If the Commission does not act within thirty (30) days, the final plat shall be deemed to be denied; provided, however, the Commission may agree with the developer to an extension of the time period not to exceed an additional sixty (60) days. The action of the Commission shall be documented by resolution along any conditions determined by the Commission. The resolution shall be signed and dated by the Commission Chairperson and Zoning Administrator and the resolution shall be attached

to the preliminary plat. The City Clerk shall distribute one copy of the resolution to the subdivider or developer, one copy to the City Engineer and five (5) copies shall be referred to the City Council and the original shall be filed.

14. Action by the Council. Within thirty (30) days of the receipt of the final plat from the Commission, the Council shall, by resolution, approve or disapprove the plat. In the event the Commission recommends disapproval, the final plat shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council.

A. Disapproval of Plat. In the event that said plat is disapproved by the Council, such disapproval shall be express in writing and shall point out wherein said proposed plat is objectionable.

B. Acceptance of Plat. In the event that said plat is found to be acceptable and in accordance with these regulations, the Council shall accept same.

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

166.08 RE-SUBDIVISION OF LAND. The following requirements shall govern the re-subdividing of land.

1. Procedure of Re-subdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved the same procedure, rules, and regulations as for a subdivision.

2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be re-subdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

3. Waivers for Subdivisions of Existing Platted Plots. The Council may waive the platting requirements of this chapter by resolution, where existing platted lots are subdivided if all of the following conditions are satisfied:
 - A. A plat is prepared and provided by a registered engineer or land surveyor depicting the dimensioned boundary lines and lot sizes along with any easement, flood way, or other drainage facilities associated with the property.
 - B. The resulting lots are not substandard as defined or set out by existing applicable ordinance.
 - C. All public improvements are installed or will be installed as a condition of the waiver of said platting requirements.
 - D. All necessary public right-of-way or easements are provided.
 - E. A restrictive covenant is filed, or record or other sufficient assurance is provided, to deter or prohibit further re-subdivision without compliance with this chapter.
 - F. No more than two lots are created as a result of the subdivision and property pins have been re-established to the dimensioned plat provided.

166.09 COMPLETION OF IMPROVEMENTS. Before the final plat is approved by the Council, all applicants shall be required to complete, in accordance with the Council's decision and to the satisfaction of the City Engineer, all the street, sanitary, and other improvements as required in these regulations, specified in the preliminary plat, and as approved by the Council, and to dedicate same to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

166.10 PERFORMANCE BOND. The Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an alternative, the applicant post a bond at the time of application for final plat approval in an amount estimated by the council as sufficient to secure to the City the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. In addition:

1. Approved by City Attorney. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations.

2. **Completion Period.** The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat, shall be incorporated in the bond, and shall not exceed one year from date of final approval.
3. **Extension of Completion Period.** The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Commission may, upon proof of difficulty, recommend to the Council extension of the completion date set forth in such bond for a maximum period of one additional year. The Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond.
4. **Temporary Improvements.** The applicant shall build and pay for all costs of temporary improvements required by the Council and shall maintain same for the period specified by the Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.
5. **Failure to Complete Improvement.** For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

166.11 INSPECTION OF IMPROVEMENTS. The subdivider shall provide for inspection of required improvements during construction and insure their satisfactory completion. These inspections shall be performed under the direction of a registered engineer and test results supplied to the City Engineer. Final inspection shall be performed by the City Engineer. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than twenty-four (24) hours in advance of readiness for required inspections.

166.12 RELEASE OR REDUCTION OF PERFORMANCE BOND. The performance bond may not be released or reduced except as follows:

1. **Certificate of Satisfactory Completion.** The Council will not accept dedication of required improvements or release or reduce a performance bond, until the City Engineer has submitted a certificate stating that all

required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed "as-built" plans of the subdivision indicating location, dimensions, materials and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.

2. Reduction of Performance Bond. A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat.

166.13 MAINTENANCE OF IMPROVEMENTS. Improvements shall be maintained and a maintenance bond provided as follows:

1. Maintenance of Improvements Before Acceptance. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Council. If there are any certificates of occupancy on a street not dedicated to the City, the City may, on twelve (12) hours' notice, plow the street or effect emergency repairs and charge same to applicants.

2. Maintenance Bond. The applicant shall be required to file a maintenance bond with the governing body, prior to dedication of the improvement, in an amount considered to be adequate by the City Engineer and Council in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of time as prescribed by City construction standards for improvements after the date of their acceptance and dedication by the Council.

166.14 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS. Required improvements may be deferred or waived as follows:

1. Waiver of Required Improvements. The Council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgment are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Deferral of Required Improvements. Whenever it is deemed necessary by the Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements to the City prior to

the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

166.15 ISSUANCE OF CERTIFICATES OF OCCUPANCY. No certificate of occupancy shall be issued until the extent of street improvement is adequate for vehicular access by the prospective occupant and by police and fire equipment. A temporary occupancy may only be issued after any sewage disposal and water supply improvements have been substantially completed for use and have been approved for such use by the City Engineer.

166.16 IMPROVEMENTS REQUIRED. The subdivider shall, at the subdivider's expense, construct the improvements required by this chapter. The required improvements shall be designed in accordance with the requirements set forth within the Design Standards adopted by the City of Robins.

1. **Construction Plan Approval.** The drawings and technical specifications shall be approved by the City Engineer prior to commencing construction of the proposed improvements. The proposed improvements shall be constructed in accordance with the drawings and technical specifications as approved by the City Engineer. No construction field changes shall be made without the written approval of the City Engineer.

2. **Plans Required.** Plans and specifications shall be in essential conformity with the approved preliminary plat and grading plan and shall conform to standard engineering practices and the Design Standards of the City.

3. **City Engineer's Review.** The City Engineer shall review the plan of improvements for conformance to the Design Standards and the approved preliminary plat and grading plan and shall either approve, approve with conditions or disapprove the plan of improvements by written statement within a reasonable time after their filing.

A. If the City Engineer's review of the plans as submitted reveals a deficiency or error requiring the material revision and resubmittal of the plans, the approval process shall recommence at the time of submittal of the revised plans. The developer may seek a variance from the required standards or file an appeal of any portion of the City Engineer's decisions or interpretations to the Council.

B. The plan of improvements shall be reviewed by the City Engineer prior to the Commission and/or Council consideration of the final plat. The final plat shall not be considered by the Council until the plan of improvements has been approved by the City Engineer. No construction shall begin on subdivision public improvements until the plan of improvements has been approved.

166.17 DESIGN STANDARDS ARE MINIMUM. The standards and details of design herein contained are intended only as 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 subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and a durable neighborhood.

166.18 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the requirements established herein, all subdividers shall comply with the following laws, rules, and regulations.

1. State Statutes. All applicable statutes of the State of Iowa.
2. City Plans. Any comprehensive plan, public utilities plan, and capital improvements program of the City.
3. State Agency Rules. The requirements and rules of State agencies such as the State Department of Natural Resources, State Department of Health, and the State Department of Transportation, where applicable.
4. County Standards and Regulations. The standards and regulations of the County Board of Supervisors and county commissions, boards, and agencies where applicable.
5. City Standards and Regulations. The standards and regulations adopted by the Council, boards, commissions and agencies of the City.
6. Plat Approval and Conformity. Plat approval may be withheld if a subdivision is not in conformance with the above guides, or policy and purposes of these regulations.

166.19 SUBDIVISION NAME. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Council, after consultation with the Commission, shall have the final authority to designate the name of the subdivision, which shall be determined at preliminary plat approval.

166.20 MONUMENTATION. Monuments shall be in conformance with the following requirements:

1. Establishment of Permanent Control Monuments. Prior to the offering of the plat of any subdivision for record, the Engineer shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two (2) permanent control monuments shall be established for the

subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The Engineer shall affix a cap of reasonably inset material bearing an embossed or stencil cut marking of the Iowa registration number of the Engineer to the top of the monument.

2. **Other Monuments of Record.** Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section.

3. **Establishment and Recording of Other Monuments.** Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyance of lands by reference to the plat if the engineer includes in the certification of the plat that the additional monuments required by these regulations shall be established before a specified future date.

4. **Additional Monuments Required.** Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section, and shall be set at all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:

A. At every corner and angle point of any lot, block or parcel of land created.

B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad, or other way.

C. At every point of curve, tangency, reversed curve, or compounded curve on every right-of-way line established.

5. **Placement of Monument.** When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the

surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

166.21 CHARACTER OF THE LAND. Land, which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formation, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding areas or both, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the council, upon recommendation of the commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

166.22 LOTS. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

1. Lot Size. Minimum lot dimensions and sizes shall conform to the requirements of the zoning regulations.
 - A. Residential lots where not served by public sewer shall be of sufficient size, as determined by the City and subject to any applicable State or County rules or regulations, to accommodate the type of sewage disposal and water supply systems proposed by the developer. The layout of residential lots should be completed in consideration of potential re-subdivision to smaller lots when public systems become available.
 - B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
2. Street Access. Each lot shall be provided with satisfactory access to a public street.
3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
4. Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

5. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. Refer to Chapter 157 of this Code of Ordinances for information pertaining to storm water runoff.
6. Building Lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the council may require building lines in accordance with the needs of each subdivision.

166.23 BLOCKS. Blocks shall conform to the following requirements:

1. Provision for Lots. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.
2. Design Considerations. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - A. Provision for adequate building sites.
 - B. Zoning requirements where applicable.
 - C. Topography.
 - D. Needs for convenient access, circulation, control and safety of street traffic.
3. Block Lengths. The lengths of blocks shall be appropriate to the type of development contemplated, but block lengths in residential developments shall not exceed two thousand (2,000) feet, or be less than five hundred (500) feet. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.
4. Easement Reservation. In blocks over eight hundred (800) feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities or pedestrian traffic.
5. Pedestrian Crosswalks. Pedestrian crosswalks, not less than six (6) feet wide, may be required by the Council through the center of blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve (12) percent in grade unless steps of an approved design are to be constructed.

166.24 STREETS: GENERAL REQUIREMENTS. Streets shall conform with the following general requirements:

1. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.
2. Grading and Improvement Plan. Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.
3. Topography and Arrangement. Streets shall be in conformance with the following requirements related to topography and arrangement.
 - A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
 - B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.
 - C. All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - D. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - F. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

4. Access to State or County Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.
5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:
 - A. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.
 - B. A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear property lines of their terminal lots backing onto the arterial street.
 - C. A frontage or service road, separated from the primary arterials by a planting or grass strip and having access thereto at suitable points.
6. Street Names. Streets that are in alignment with others already existing shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council and Commission.
7. Street Name Signs. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street name signs. The applicant shall deposit with the City at the time of final subdivision approval, the estimated cost of installation of each street sign required by the Council.
8. Street Lights. Installation of streetlights shall be required in accordance with design and specification standards approved by the Council.
9. Construction of Streets and Dead-End Streets. Streets and dead-end streets shall be in conformance with the following requirements:
 - A. Construction of Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. If the adjacent property is undeveloped and the

street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L shaped turnaround shall be provided on all temporary dead-end streets over 200 feet in length, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

B. Permanent Dead-end Streets. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred fifty (150) feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with all City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited to 200 feet in length.

166.25 STREETS: DESIGN STANDARDS. The following design standards shall apply to the design of streets:

1. General. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance, and to coordinate streets as to compose a convenient system and avoid undue hardships to adjoining properties the streets shall be designed in accordance with the design standards and specifications adopted by the City and in consideration with the City and regional comprehensive plans and interchange requirements.
2. Street Surfacing and Improvements. After sewer, water and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland concrete cement. Adequate provision shall be made for culverts, drains, and bridges. All temporary T or L shaped turnarounds on temporary dead-end streets shall be surfaced with a dustless, all-weather material capable of carrying a wheel load of at least 4,000 pounds. The dustless surface shall consist of either Portland cement concrete (PCC), Asphalt Cement Concrete (ACC) surface or other acceptable surfaces approved by the City Engineer. All road pavements, shoulders, drainage improvements and structures, curbs,

turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

3. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one.
4. Railroads and Limited Access Highways. Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
 - A. In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."
 - B. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites.
 - C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
5. Intersections. The following standards shall apply to the design of intersections.
 - A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet there from. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Council.
 - B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not

be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

C. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

6. Bridges. Bridges of primary benefit to the applicant, as determined by the Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Council, will be fixed by special agreement between the Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of land developed and so served.

7. Alleys. The following design standards for alleys shall be required of all subdivision:

A. Alleys shall be prohibited in residential districts.

B. Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

C. Alleys shall have a right-of-way of not less than thirty (30) feet and a roadway width of not less than twenty (20) feet.

D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

E. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Council.

8. Street Dedications and Reservations. The following provisions shall apply to street dedications and reservations:

A. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider

improves and dedicates the entire required street right-of-way width within his or her own subdivision boundaries.

B. Where a subdivision borders an existing narrow street or when City plans or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

166.26 STORM SEWERS AND DRAINAGE. The following requirements shall apply to the provision of storm sewers and drainage:

1. General Requirements. The following general requirements shall apply to the provisions of storm water drainage management:
 - A. The storm water drainage system shall be separated and independent of any sanitary sewer system.
 - B. Storm water run-off shall conform to Chapter 157 of this Code of Ordinances. Regional detention basins serving more than one subdivision is preferred over several individual small detention basins. Regional detention basins offers developers reduced initial construction and maintenance costs and improved land values while improving the overall efficiency and effectiveness of storm water detention facilities throughout the City.
 - C. Storm sewers, when required, shall be designed by methods approved by the City. A copy of design computations shall be submitted along with construction plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) 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.
 - D. All building lots within a subdivision adjacent to an open drainage system or flood plain shall have the lowest permitted opening elevation for a building indicated on the final plat or

shall have elevation certificates for each building lot provided to the City as part of final plat approval. Said elevation shall be a minimum of one foot above the 100-year flood level of drainage ways and one foot above the overflow elevation of detention facilities. (Ordinance No. 0621, 2/5/07)

2. Nature of Storm Water Facilities. The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

A. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Council. However, in subdivisions containing lots less than fifteen thousand (15,000) square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall.

B. If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangements for future storm water disposal by a public storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

C. 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 Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential water shed development permitted by applicable zoning regulations.

D. The Council shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility; the Council may withhold approval of the subdivision until provision has been made for the

recovery of the cost for the improvement of said potential condition in such sum as the Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

E. The Council 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 which lies within the flood plain of any stream or drainage course.

3. Dedication of Drainage Easements. The following shall apply to the dedication of drainage easements.

A. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. Drainage easements:

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Council.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or

lands subject to periodic flooding shall not be computed in determining the area requirement of any lot.

166.27 WATER FACILITIES. Water facilities shall be provided as follows:

1. General Requirements. The following general requirements shall apply to the provision of water facilities:

A. Where a public water main is accessible the subdivider shall install adequate water facilities, including fire hydrants, in accordance to all construction standards and specifications of the City.

B. To facilitate the above, the location of all fire hydrants and all water supply improvement plans shall be designed to the rules, regulations and standards adopted by the City and approved as to the design by the State Department of Natural Resources or State Department of Health and the City Engineer in accordance to the construction plans required to be submitted.

C. City approval of water extensions shall be a condition for and as part of the acceptance of street improvements.

2. Private Water Systems. Where a public water system is not available within a reasonable amount of time, not to exceed fifteen (15) years, a central water system or individual wells may be installed. The following shall apply to the provision of central water systems or individual wells.

A. The central water system shall be designed to provide adequate supply of potable water to every lot in the subdivision. Plans for all central water systems shall be submitted to the Linn County Health Department for review and approval. Water samples shall be submitted to the appropriate County or State agency and orders of approval shall be submitted to the Council prior to final plat approval.

B. Individual private wells shall be allowed only wherever a central water system is not feasible.

C. If the Council requires that a connection to a public water main be eventually provided as a condition to approval of a central water system or individual wells, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of this section.
4. Dedication of Right-of-way. Whenever any dedication of right-of-way incident to the platting of real property has been accepted by the City and said right-of-way contained therein a water main and/or waterline relating to water service within said subdivision, said water main and/or waterline was intended to remain the private property of the owners of said subdivision and was not intended by the City to become City property inasmuch as the City had no municipal water system, and the City authorized and directed the Mayor to execute and deliver a bill of sale to the record titleholders of said subdivision served by said water main and/or waterline, in proportion to the number of lots in said subdivision, and granted an easement for said water main and/or waterlines to remain within the dedication right-of-way. Said easement shall be perpetual unless revoked by the City, which right the City specifically reserves except that the City shall not revoke an easement without providing at least thirty (30) days; written notice of its intent to revoke the easement and providing an opportunity to be heard before the City Council prior to any revocation of an easement. Any dedication of right-of-way accepted after the passage of the ordinance codified in this subsection which contains a water main and/or waterline relating to water service within said subdivision shall be subject to the provisions of this section in the same manner as if the same has been dedicated prior to the passage of such ordinance.

166.28 SEWAGE FACILITIES. Sewage facilities shall be provided as follows:

1. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by all City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City and State Department of Natural Resources or State Department of Health and shall be approved by the aforementioned State agencies and the City Engineer. Sewer extensions shall be a condition for and as part of the acceptance of street improvements.
2. Construction of Sanitary Sewage Systems. Sanitary sewage systems shall be constructed as follows:
 - A. Where a public sanitary sewage system is reasonably accessible the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
 - B. Where public sanitary sewage systems are not reasonably accessible but will become available within a reasonable time, not to

exceed fifteen(15) years, the applicant may choose one of the following alternatives:

(1) Install a central sewerage system, operated and maintained by the benefited property owners. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.

(2) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

C. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen (15) years, the applicant shall install individual disposal systems or central sewerage systems.

3. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of applicable zoning regulations and these regulations. Percolation tests and test holes shall be made as directed by the City and the results submitted to the local board of health.

4. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

166.29 SIDEWALKS. The following requirements shall apply to the provision of sidewalks:

1. Location of Sidewalks. Sidewalks shall be included within the dedicated non-pavement right-of-way of all streets.

2. Construction of Sidewalks. Sidewalks shall be improved in conformance with Chapter 136 of this Code of Ordinances.

166.30 UTILITIES. The following shall apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including, but not limited to gas, electric power, telephone, and CATV cables, be located underground throughout the subdivision. All anticipated utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
2. Easements. The developer shall coordinate with the applicable utility companies for the establishment of satisfactory easements for their utility. Such easements shall be at least ten (10) feet wide with satisfactory access to public right-of-ways or streets. All utility easements shall be indicated on the plat.

166.31 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features, which would add value to residential development or to the City as a whole, such as trees, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

166.32 NONRESIDENTIAL SUBDIVISIONS. The following provisions shall apply to nonresidential subdivisions:

1. General. If a proposed subdivision includes land that is used for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Council, and shall conform to the proposed land use and standards established in City plans and regulations.
2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- B. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated there upon.
- C. Special requirements may be imposed by the City with respect to street, access driveway, curb, gutter, and sidewalk design and construction.
- D. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

166.33 PARK AND SCHOOL RESERVATIONS. Schools, park lands, green ways, open space and other recreational amenities create a sense of community; protect valuable environmental resources; promote a high quality of life through both active and passive recreational opportunities; and promote the health, safety and welfare of the citizens. The development of land for new residential uses increases the demands on the existing parks and recreational facilities creating the need for new parks, green ways, open space and recreational facilities to be developed in order to maintain the current levels of service. Requiring developers to dedicate land for public parks or schools is a method of ensuring that new development provides for a portion of the park needs created by the new residents and their families moving into the new developments and such dedication promotes and protects the public health, safety, and welfare of the citizens that will be residing in, or occupying, the new developments.

For the City to provide adequate park, school, and recreational areas within the community, all residential plats shall be studied for the impacts on current parks and schools that would serve the subdivision and for potential new parks or schools in accordance with city and regional comprehensive plans. After completion of the park study, the City may require the reservation of property within the subdivision for expansion of existing park or school sites or for the

creation of new sites in accordance with park development and comprehensive plans that have been adopted by the City.

1. Requirement of Dedication of Public Parkland. Public parkland dedication for neighborhood parks or neighborhood recreational trails shall be provided under the following requirements:

A. Any developer who, after the effective date of the ordinance codified herein, seeks to develop land for residential purposes within the City shall be required to dedicate public parkland.

B. No new plats or site plans for residential development shall be approved unless and until the provisions of this section are complied with.

2. Computation of the Amount of Public Parkland. This subsection shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park or recreational trail as prescribed in subsection 1.

A. The amount of public parkland required in a proposed development shall be a minimum of 20,000 square feet and computed as follows:

(1) Residential Occupancy Per Living Units: In determining the anticipated occupancy for the proposed development it shall be assumed that the following dwellings will accommodate the following number of individuals:

LAND USE TYPE (UNIT)	
Individuals Per Each Residential Dwelling Unit	
Single Family Dwelling	2.980 people per unit
Two-Family Dwelling	1.954 people per unit
More than Two-Family Dwelling	1.615 people per unit
Mobile Home	1.600 people per unit

(2) Public Parkland Per Individual. In determining the space required for public parkland in a proposed development, it shall be required that 6 acres of park and recreational space be provided for every 1,000 individuals. Since some developments will not house 1,000 individuals, the space requirement is to be applied on a per individual basis. Therefore, .006 acres of public parkland shall be provided for each individual proposed to be housed in the new development based on the assumptions contained in paragraph A 1, above.

(3) Calculation of Required Public Parkland for each Development.

a. For single family developments generally intended for individual ownership, the following formula shall be utilized: (number of lots) x (2.980 individuals/unit) x (.006 acres/individual).

Example for illustration purposes only: For a single family attached residential development subject to the requirements of this section that proposes 75 lots, the calculation under this paragraph would be as follows: $75 \text{ lots} \times 2.980 \times .006 = 1.341 \text{ acres}$.

Under this illustration, the developer would be required to dedicate public parkland of at least 1.341 acres of property within the proposed development.

b. For two-family developments generally intended for condo or town-home living, the following formula shall be utilized: (number of lots) x (number of units (1.615 individuals/unit) x (.006 acres/individual).

Example for illustration purposes only: For a two-family residential development subject to the requirements of this section that proposes 75 lots, the calculation under this paragraph would be as follows: $75 \times 1.954 \times .006 = 0.880 \text{ acres}$.

Under this illustration, the developer would be required to dedicate public parkland of at least 0.880 acres of property within the proposed development.

c. For multi-family developments generally intended for rental, the following formula shall be utilized: (number of units) x (1.615 individuals/unit) x (.006 acres/individual).

Example for illustration purposes only: For a multi family residential development subject to the requirements of this section that proposes 100 units, the calculation under this paragraph would be as follows: $100 \times 1.615 \times .006 = 0.969 \text{ acres}$.

Under this illustration, the developer would be required to dedicate public parkland of at least 0.969 acres of property within the proposed development.

d. For mobile home developments, the following formula shall be utilized: (number of lots) x (1.60 individuals/lot) x (.006 acres/individual).

Example for illustration purposes only: For a mobile home development subject to the requirements of this section that proposes 75 mobile home lots, the calculation under this paragraph would be as follows: 75 lots x 1.60 x .006 = 0.72 acres.

Under this illustration, the developer would be required to dedicate public parkland of at least 0.72 acres of property within the proposed development.

B. If a plat or development site plan is requested for mixed uses, then paragraph A of this section shall apply only to those areas of the plat or site plan devoted to residential uses.

C. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required in paragraph A of this section.

D. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.

E. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City, to allow the public parkland to be increased in size when the adjacent property develops.

F. The amount of public parkland required to be dedicated under this section shall be capped and shall not exceed the following percentages when compared to the amount of acres being developed.

(1) Single-Family Development. The amount of acres required to be dedicated as public parkland shall not exceed 5% of the total number of acres being developed as single-family detached.

(2) Multi-Family Developments. The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as long as the proposed development does not exceed 12 units per acre.

If the proposed development exceeds 12 units per acre, the amount of acres required to be dedicated as public parkland shall not exceed 15% of the total number of acres being developed as single- family attached or multifamily.

(3) Mobile Homes. The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as mobile homes.

3. Requirement of Dedication of Land or Easements for Trails. Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan, the developer shall be required to dedicate land or trail easements at least twenty (20) feet in width. This land or easements, if approved by the City, may serve to satisfy parkland dedication requirements.

4. Construction Plan Approval. The approval of the Construction Plan as defined in Section 166.16(1) shall be conditioned upon the construction of (or providing sufficient surety for the construction of) the following improvements in accord with City design standards of:

A. Streets abutting any dedicated land.

B. Utility services (including hook ups) to any dedicated land including, storm and sanitary sewers, drainage structures, water lines, gas lines, electric lines, communications lines and such other utilities as are (or will be upon completion) available to adjacent tracts.

C. Sidewalks (abutting any public street) and trail connections as appropriate.

D. Site grading and seeding.

E. Street lights.

5. Alternative to Dedication of Public Parkland. If a developer does not desire to dedicate public parkland as required by Section 166.33(2), the developer may make a request to the City for allowance to meet the requirements of Section 166.33(2) through other arrangements agreeable to the City as long as such agreement provides equal value to the City. Such arrangements shall be made between the City and the developer in the form of a Development Agreement. A draft of the Development Agreement shall be provided as part of plat submittal.

6. Exemptions and Credits. The following shall be exempted from the requirements of Section 166.33(1):

- A. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
- B. The construction of accessory buildings or structures.
- C. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
- D. The installation of a replacement mobile home.
- E. The construction of any non residential building or structure or the installation of a nonresidential mobile home.
- F. Subdivisions less than 40,000 sq. ft.
- G. Any subdivision completed under Section 166.08(3) of this chapter.

166.34 LANDSCAPING AND SCREENING. As identified within the comprehensive plan, regulations relating to landscaping and screening are intended to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, and noise and by promoting natural percolation of storm water; reducing the visual impact of parking lots, unsightly equipment, or materials from the view of persons on the public streets or adjoining properties and buffering from uncomplimentary land uses and by improving the quality of air, and to conserve the value of property and neighborhoods within the City.

In order to provide adequate landscaping and screening within the community, a developer shall prepare and provided a landscaping plan to City in accordance with all landscaping and screening standards established by the City as part of the preliminary plat submitted process. The Commission shall study the landscaping plan based on development growth characteristics and expected uses identified within city and regional comprehensive plans and for conformance to any adopted landscaping and screening standards. The approval and implementation of the landscaping plan shall be a requirement for final plat approval.

1. Landscaping and Screening Standards. The purpose of these standards is to promote and protect the safety and welfare of the public through requirements for landscaping and screening which prevent soil erosion, improve air and water quality and enhance and preserve the beauty and appearance of the environment.
2. Applicability. These landscaping and screening standards shall be applicable to any/and all properties located within the City. Parking lot landscaping shall be required of any development with off-street parking

areas except single and two family residential developments. Street front landscaping shall be required of any development within multi-family, mobile home, commercial and industrial districts and along arterial or collector streets within single and two family developments. The landscaping and buffer requirements standards shall apply to:

- A. New development, including principle and accessory structures on property located within the districts listed in this section.
 - B. Expansion and reconstruction of parking lots with twenty (20) or more parking spaces.
 - C. Expansion and major renovation of an existing building that includes significant site modification as determined by the Planning and Zoning Commission based on site conditions and improvements. Major renovation will generally increase the assessed valuation of the subject property by at least fifty percent (50%). In the event that the property owner or developer does not agree with the Planning and Zoning Commission determination regarding the applicability of the standards, an appeal to that determination may be filed for review by City Council.
 - D. The landscaping and screening requirements shall not apply to golf course, park, cemetery and nursery developments.
3. Applicability and Exceptions of Landscaping and Screening Elements. The landscaping and screening requirements include a number of design elements as identified in this subsection. These elements will have varying applicability depending on the Zoning District and adjoining land uses. For the purpose of this subsection, undeveloped properties shall be considered based on their expected use based on the Future Land Use Map of the Robins Comprehensive Plan.

Design Elements	Applicable Districts
Street Trees	Street trees are not permitted in any zoning district except as permitted by Chapter 151 of the Robins Code of Ordinances.
Shade Trees	Single/Two Family
Street Front Landscaping	Single/Two Family, Multiple Family, Mobile Home, Commercial and Industrial Districts
Parking Lot Landscaping	Multiple Family, Commercial and Industrial Districts.
Buffer Yards	All Mobile Home, Multiple Family, Commercial and

	Industrial Districts where the property adjoins Single, Two-family, Multiple Family Districts, Mobile Home, and Industrial Districts as depicted in the matrix below. For the purpose of this subsection the term district shall also include property designated for such uses under the Future Land Use Map of the Robin Comprehensive Plan.
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Buffer Yard Matrix (X Denotes Required Buffer Yard)					
District*	Adjoining District				
	Single Family	Multiple Family	Mobile Home	Commercial**	Industrial**
Single/Two Family					
Multiple Family	X				
Mobile Home	X	X			
Commercial	X	X	X		
Industrial	X	X	X		

* District shall mean areas zoned, developed, or designated for such use under the Future Land Use Map of the Robins Comprehensive Plan.
 ** May be required by Planning and Zoning Commission if uses are incompatible

4. Definitions. The following definitions shall be used for terms contained within this section.

A. “Berm” means a mound or embankment of earth, usually two to six feet in height, used to shield or buffer properties from adjoining uses, highways or noise.

B. “Buffer yard” means a landscaped area along lot lines provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another. No structures except fences shall be allowed in the buffer yard.

C. “Deciduous overstory tree” means a shade producing woody plant having a mature height and spread of at least thirty (30) feet with one well-defined trunk having no branches at or near the base.

D. “Deciduous shrubs” means woody plants that range from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

E. “Deciduous understory tree” means a woody plant at least fifteen (15) feet tall at maturity with one or more well-defined trunks.

F. “Evergreen/conifer shrub” means a woody plant having green needle-like foliage throughout the year and ranging from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

G. “Evergreen/conifer tree” means an upright cone-bearing plant having green needle-like foliage throughout the year and at least fifteen (15) feet at maturity.

H. “Landscaped area” means the area within the boundaries of a given lot consisting primarily of plant material, including but not limited to grass, trees, shrubs, flowers, vines, ground cover and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas as identified in this section.

I. “Landscaping Plan” means a plan containing the information provided for in subsection 5 of this section. In addition to a subdivision platting process, the information of a landscaping plan may be incorporated within a Site Plan or building permit as specified in Chapter 165.

J. “Minimum street landscaping” means the minimum landscaped area which must be provided in a street yard, expressed as a percent of the total area contained within that street yard.

K. “Street yard (street frontage)” means a contiguous area along the street right-of-way.

L. “Vehicular use area (parking area)” means all areas subject to vehicular traffic, including but not limited to access-ways, driveways, loading areas, service areas and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures, underground parking lots or public streets.

5. General Requirements. Landscaping and screening plans shall be subject to the following general requirements:

A. Landscaping plans are to be provided for each phase of the development review and building permit process - the extent of such plans shall be included in general concept plans at the initial submittal with detail landscape plans provided for site plan or building permit approval. At a minimum the landscaping plan shall require the following:

- (1) The applicants name and address and interest in the property.
 - (2) The owners name and address, if different from the applicant, and the owners signed consent to the filing of the plan.
 - (3) The street address and/or legal description of the property.
 - (4) Title, scale, north marker, and date.
 - (5) Zoning classification of site and all adjoining property(s).
 - (6) All lot lines, easements and rights-of-way.
 - (7) All surrounding roads including names.
 - (8) The total square foot of the vehicle use areas and the street yard.
 - (9) Location, scientific name, common name, quantity and size of all existing plant materials and designation of all vegetation to remain and/or be removed.
 - (10) Proposed landscaped planting by location, scientific name and common name, planting size and planting method. A plant list should be provided listing this information and keyed to plant location on the plan.
 - (11) All existing and proposed drainage and detention areas.
 - (12) Designation of area(s) to be used for snow storage.
 - (13) Other information or documentation as the Zoning Administrator may deem necessary to allow a full and proper consideration and disposition of the particular plan.
- B. Street front landscaping shall be provided for development within the minimum setback area along street frontages.
- C. Buffer yards between various types of land use and residential areas, both existing and planned shall include design elements in a combination to provide effective buffering with consideration of existing topography and site conditions. The proposed plan for said design elements shall be reviewed by the Planning and Zoning Commission to determine consistency with the provisions of this section. Placement of trees and shrubs shall be designated to meet City requirements regarding minimum sight lines from driveways

and intersections, proximity to utility lines, and underground utility easements. These factors shall be addressed by the City Engineer during landscape review process.

D. Landscaping plans provided for construction shall identify the minimum size and number of required trees, shrubs, and provisions for living groundcover such as grass. Non-living ground cover such as rock and walk on bark, that does not exceed twenty-five percent (25%) of the overall planting area may be used. Impervious materials, such as concrete or asphalt paving, shall not be used within required landscaping areas with the exception of sidewalk areas or edging.

E. Existing appropriate mature trees and vegetation may be incorporated into overall site design and shall be considered in meeting the requirements of this section. The extent that such existing vegetation meets the requirements of these standards shall be reviewed and approved by the Planning and Zoning Commission.

F. All areas prone to soil erosion shall be defined on the landscape plan and shall be controlled through landscaping. All disturbed areas on the site shall be re-vegetated or landscaped in a manner as approved by the Planning and Zoning Commission.

6. Tree and Groundcover Requirements.

A. No trees are permitted to be located within the public street right-of-way without obtaining approval from the Robins Tree Commissioner as specified within Chapter 151 of this Code of Ordinances. The location, size, and number of trees within the right-of-way shall be determined by the Tree Commissioner at time of appeal. Trees within street rights-of-way or any trees on private property which overhang the public right-of-way shall be maintained in accordance with Chapter 151 of this Code of Ordinances.

B. Living ground cover, such as grass, shall be provided within right-of-way areas of all districts. Non-living materials (such as walk on bark, mulch, and ornamental rock) may be used for up to twenty-five percent (25%) of the right-of-way exclusive of access.

C. All plantings within the landscaping plan are to conform to the Suggested Planting List approved by the City. Any planting in the landscaping plan which is not on the Suggested Planting List shall be approved by the Planning and Zoning Commission prior to being planted.

7. Street Front Landscaping. All areas adjoining public or private street frontage shall be landscaped to include trees, shrubs, and living

ground cover as required by this subsection. Landscape areas between the public or private street and parking areas are strongly encouraged to include mounding to enhance the screening of vehicles from the street. For the purpose of this subsection, said street front landscape depth of the Commercial and Industrial Zoning District shall average at least fifteen feet (15') along street frontages and ten feet (10') along street side frontages. Double frontage lots shall maintain a minimum street front landscape depth of five feet (5'). Landscape depth for Single/Two Family, Multiple Family and Mobile Home Districts shall comply with the underlying setback required under the Zoning District. Street front landscaping shall include all areas along public or private street frontage, public or private street side setbacks, and setbacks along other property lines boarding a public or private side setback, and setbacks along other property lines bordering a public or private street. For lots having a depth of less than one hundred fifty feet (150') and a total area not exceeding twenty thousand (20,000) square feet the minimum street frontage landscape depth shall be at least five feet (5'). Landscaping shall comply with the general standards indicated below. It is intended that the standards shall provide landscape design flexibility in plant selection while still meeting the following objectives:

A. Trees. Street trees shall be provided at a rate of one tree per forty feet (40') of frontage excluding driveway openings. A minimum of fifty percent (50%) of the required trees shall be at least two inch (2") diameter shade trees. The remaining trees may be any combination, at least two inch (2") diameter shade trees, at least one and one-half inch (1½") flowering trees and/or six foot (6') high evergreen trees. Street frontage trees shall not be required for lots having a depth of less than one hundred fifty feet (150') and an area not exceeding twenty thousand (20,000) square feet.

B. Shrubs. Six (6) per one thousand square feet (1000 sf) of planting area where parking does not adjoin street and sufficient shrubs to provide sixty-six percent (66%) screening to a height of three feet (3') where parking adjoins a street. Up to twenty percent (20%) of the required shrubs may be replaced by ornamental grasses or perennial flowers at a rate of four (4) such plants per shrub replaced.

C. Ground Cover. Living ground cover, such as grass, shall be provided within all required street frontage landscaped areas. Non-living materials (such as walk-on bark, mulch, and ornamental rock) may be used for up to twenty-five percent (25%) of the landscaped area.

D. Mounding, not exceeding one foot (1') in height for every three (3) of depth is strongly encouraged to screen vehicles for street frontages adjoining parking lots with a depth of ten feet (10') or greater.

E. The specific location of trees and landscaping within the required setback area shall be approved by the Planning and Development Department based on site characteristics.

8. **Parking Lot Landscaping.** All parking lots shall include landscaping and trees located within the parking area as required by this subsection. Trees required by this subsection shall be in addition to trees and landscaping required under other provisions of this section. It is the objective of this subsection to provide shade within parking areas and break up large expanses of parking lot pavement.

A. Trees at a rate of one (1) tree per twelve (12) parking spaces shall be provided for all parking lot areas. Required parking area trees shall be large shade tree varieties and have a minimum two inch (2") diameter at breast height at the time of planting.

B. For parking lot areas having twenty (20) or more spaces such trees shall be located in protected landscape areas within the parking lot with the provision that up to fifteen percent (15%) of the required trees may be located within ten feet (10') of the parking lot perimeter. The location, size, and design of the landscaped areas shall be approved by the Planning and Zoning Commission to ensure viability of the planting and protection from damage by vehicles while also meeting the objectives of this section.

C. For parking lot areas with forty (40) or more spaces, a continuous planter, including trees, shall be provided for every fourth parking bay. Said continuous planter shall include large shade trees planted no closer than twenty (20) foot centers. The width and design of said continuous planter shall be approved by the Planning and Zoning Commission to ensure viability of the planting and protection from damage by vehicles.

D. Planter areas shall be a minimum width of six feet (6') measured from the inside of the protective curbing. These areas may be widened to accommodate head in parking with a thirty inch (30") vehicle overhang into the planter area so long as the required six foot (6') minimum width for the tree planting is maintained.

9. **Buffer Yards.** Yards separating multi-family, mobile home, commercial, and industrial development closer than one hundred feet (100') from zoning districts where buffer yard is required by this subsection shall

provide an effective buffer as indicated in this subsection. It is the objective of the buffer yard to lessen, rather than completely eliminate, land use conflicts between such uses. It is not expected that buffer yards will totally screen such uses. It is expected that the buffer yard design elements identified below will provide immediate lessening of land use conflicts and such buffering will be enhanced over time as landscaping matures. Buffer yards may include a combination of elements including setback distances as separation, tree and shrubs, solid fencing, and/or berming. It is encouraged that existing topography and vegetation be included in the design of the buffer yard as approved by the Planning and Zoning Commission. Retention of existing mature trees is strongly encouraged in meeting the requirements of this subsection. The standards provided in the buffer yard options identified below may be used in combination to meet the intent of this provision:

- A. Rear buffer yards shall have a minimum depth of fifteen feet (15') and include standards as identified below.
 - (1) Natural Buffers. Four (4) evergreen variety trees, two (2) flowering variety trees, and ten (10) shrubs per one hundred feet (100') of linear distance or evergreen shrubs to be spaced at five feet (5') on center with a minimum mature height of five (5) feet or fifteen (15) large deciduous shrubs, per one hundred feet (100') of linear distance planted in a staggered double row.
 - (2) Structural Buffers. Solid six foot (6') high wall or fence with two (2) evergreen variety trees, two (2) flowering variety trees, and five (5) large shrubs per one hundred feet (100') of linear distance.
 - (3) Earthen Berm Buffer. Minimum fifteen foot (15') rear buffer yard with berming not to exceed a 1:3 (vertical:horizontal) slope, three (3) large evergreen trees, two (2) flowering variety trees per one hundred (100) feet of linear distance, and sufficient evergreen shrubs with a combined height (berm and mature shrub) of five feet (5') to form a continuous screen within three (3) years of planting and/or sufficient deciduous shrubs with a combined height of five feet (5') to form a continuous screening within three (3) years of planting.
- B. Side buffer yards shall have a minimum depth of fifteen feet (15') and include standards as identified below.

- (1) Natural Buffer - Evergreen. Four (4) evergreen variety trees, two (2) flowering variety trees and ten (10) evergreen shrubs per one hundred feet (100') of linear distance.
- (2) Natural Buffer – Deciduous. Four (4) deciduous variety trees, two (2) flowering variety trees, and fifteen (15) large shrubs per one hundred feet (100') of linear distance.
- (3) Structural Buffers. Solid six foot (6') high wall or fence with two (2) flowering trees and five (5) large shrubs per one hundred feet (100') of linear distance.

10. Additional Landscaping/Screening Requirements. Landscape and building elements shall be used to screen areas of low visual interest or visually intrusive site elements (such as trash collection, open storage, service areas, loading docks and blank walls) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required.

A. Screening of Outside Storage Areas. For all uses, except any individual lot occupied by a single-family or two-family dwelling, all storage areas shall have visual and noise screening between adjacent lots or parcels and streets or thoroughfares.

- (1) For C-1 or C-2 zoning district uses, all storage except for any machinery, vehicles, or equipment in operable condition and having a net weight not more than three tons net weight shall be within completely enclosed buildings or effectively screened by a solid wall or fence, including solid entrance and exit gates, not less than 6 feet nor more than 8 feet in height. No outside storage of any machinery, vehicles, or equipment with a net weight exceeding three tons shall be permitted.
- (2) For I-1 or I-2 zoning district uses, no outdoor storage shall be permitted in required front setback areas. All outdoor storage located within three hundred (300) feet of a residential district, except motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence, including solid entrance and exit gates, not less than six (6) feet nor more than eight (8) feet in height. In the event a solid wall is used to satisfy this requirement, the yard requirements of this district shall apply exterior to the wall.

B. Screening of Ground Mounted Mechanical Units. For all uses, except any individual lot occupied by a single-family or two-family dwelling, all ground-mounted mechanical units, including but not limited to: air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from any adjacent public thoroughfare shall be visibly screened from public view. The screen shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.

C. Screening of Roof Mounted Mechanical Units. All roof-mounted mechanical units shall be screened from adjacent public thoroughfares by the use of an opaque screening material compatible with the architecture of the building or architecturally designed screening such as a parapet wall. The screening of the roof-mounted units shall be designed to blend with the building and roof materials. Additional screening may be required due to topographic differences in the adjoining properties.

D. Screening of Trash Receptacles. For all uses, except any individual lot occupied by a single-family or two-family dwelling, using a common trash receptacle and all nonresidential uses:

(1) Solid material screening or full screening landscaping on three sides to a height that screens the containers, typically six feet (6'). The use of materials which are not solid, such as slates in chain-link, shall not be used to meet this requirement.

(2) Enclosure openings directly visible from a public right-of-way and/or adjoining residential area shall have a solid material gate. For larger enclosure areas a separate gate access is encouraged.

(3) Access drives shall be constructed of material and thickness to accommodate truck loading. Year round accessibility to the enclosure area for service trucks shall be maintained by the property owner or tenant.

(4) Enclosures shall be of an adequate size to accommodate expected containers. It is encouraged to design the enclosure area to be expandable to accommodate future additional containers.

(5) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be

provided by use of barrier curbing, reinforced masonry walls, or other similar means.

(6) Materials and elevations for enclosures that are attached to buildings shall be designed to be compatible with the main structure.

(7) If enclosures are to be attached to buildings they shall comply with applicable fire and building codes.

(8) Trash enclosures shall not be located within a required street front or street side setback or occupy area used for required parking spaces.

11. Administrative Requirements.

A. Previously Approved Plans and Building Permits. Any Site Plan or Landscaping Plan approved by the City prior to the effective date of the ordinance codified herein shall remain enforceable and in force.

B. Installation. All landscaping required by this section shall be installed prior to occupancy or commencement of a use. If the landscaping cannot be installed prior to occupancy or commencement of a use because of climatic conditions, the building inspector may issue a temporary certificate of occupancy and grant a delay of landscaping installation until the calendar date of June 1 immediately following the date of said temporary certificate of occupancy.

C. Maintenance of Required Landscaping. Trees and vegetation, irrigation systems, fences, walls and other landscaping elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease; pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition in order to maintain the required landscaping of the site.

D. Rights-of-Way, Easements, and Drainage. Required landscaping shall not disturb drainage systems or be placed upon easements of rights-of-way without approval of the City.

12. Changes to Approved Landscape Plan. The landscaping shall be installed and maintained according to the approved landscape plan except

where authorized changes are permitted. The approved landscape plan and supporting data shall be binding on the applicants, their successors, and grantees.

(Ord. 0610 – Sep. 06 Supp.)

166.35 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION.

Improvements in the two-mile unincorporated area under the jurisdiction of these regulations shall be the same as required herein, provided they are not less than that required by the applicable County subdivision regulations, and provided further that all construction plans shall be approved by the County, and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

166.36 VARIATIONS AND EXCEPTIONS. The following shall apply to the granting of variations or exceptions:

1. Hardships. Where the Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Council shall not grant variations or exceptions to these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:
 - A. The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.
 - C. Because of the particular physical surroundings, shape of topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - D. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
2. Conditions. In granting variations and exceptions the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
3. Procedure for a Variance. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat

is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

166.37 CHANGES AND AMENDMENTS. Any provision of these regulations may be changed and amended from time to time by the Council, provided, however, that such changes or amendments shall not become effective until after such proposed amendments have been first submitted to the Commission for study and recommendation. The Commission shall forward its recommendations to the Council within thirty (30) days.

166.38 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City or within two (2) miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity until it complies with the provision of these regulations, has been approved by the Council as herein set forth, and further:

1. Issuance of Building Permits. No more than two (2) building permits for each separate tract shall be issued for primary buildings unless the tract has been platted in accordance with these regulations and all public improvements (e.g. water, sewer, storm sewers, streets) have been sufficiently constructed to provide service to the building within a reasonable period of time. This provision shall not limit the number of building permits that may be issued for any accessory buildings as defined by applicable zoning and restrictive covenants or any building additions or improvements to a primary or accessory building already legally located on such tract.
2. Void Plat. If a plat is recorded without going through City review, it can be voided by the court at the request of the City.