

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 TITLE. This ordinance shall be known as the “Subdivision Ordinance” of the City of Riverside, Iowa.

166.02 PURPOSE. The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the general planning of the community and to promote the public health, safety and general welfare of the citizens of the City of Riverside, Iowa.

166.03 APPLICATIONS. No plat or subdivision in the City subject to control of the City under Section 354.9 of the Code of Iowa shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed in this chapter. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into two (2) or more parts, (excepting acquisition plans as defined in Section 2.01.1) for the purpose of laying out an addition, subdivision, building lot, or lots, acreage or suburban lots within the City or a two (2) mile radius from the current City corporate limits, or from any other agreement with Washington County, Iowa, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots herein contained or placing the plat on record. The City of Riverside is granted the authority to review said proposed subdivisions outside the city limits by Section 354.9 of the Code of Iowa.

166.04 RECORDING OF PLAT. No subdivision plat, or street dedication within the City of Riverside, Iowa, or within a two (2) mile radius of the current city corporate limits, or within the area of any other County Agreement(s) shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Upon approval of the final plat by the City Council, it shall be the duty of the subdivider to immediately file such a plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and a copy of the recorded plat filed with the City Clerk within such thirty (30) days.

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

166.06 PENALTIES. Any person or persons, as owner or agent, who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the City Council, and recorded as required by law, shall forfeit and pay one thousand dollars (\$1,000.00) to the City for each lot or part of lot sold, disposed of or offered for sale, the violator will also be subject to a simple misdemeanor or municipal infraction for each lot sold in violation of this provision. Nothing contained herein shall in any way limit the City's right to any other remedies available to the City for the enforcement of this ordinance. These remedies include, but are not limited to, the City's ability to institute an action for injunction, mandamus or other appropriate action or proceeding to prevent any pending disposal or offer of sale, or to prevent any further disposal or offer to sale in violation of this ordinance.

166.07 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by the ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements (except sidewalks adjoining any or all lots) required by this ordinance have been accepted by the City or other provisions have been made in writing with the City regarding the completion of improvements.

A building permit may be issued without the establishment of sidewalks in place. However, before any occupancy of the subdivided property occurs, the permit holder must install all sidewalks as required by this ordinance or obtain a waiver of the requirement from the City regarding the same.

166.08 DEFINITIONS. For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.
3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting a street.
4. "Auditor's plat" means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, the boundary of the subdivision, or a combination of thereof.
6. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.
7. "Community Development Plan" means the general plan or series of plans, if any, for the development of the community, that may be titled master plan, land use plan, comprehensive plan or some other title, which plan has been adopted by the City Council. Such "Community Development Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
8. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
9. "Cul-de-Sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turnaround.
10. "Design Standards" means the City of Riverside, Iowa Technical Standards For Public Improvements as adopted by Resolution no. xxx and as may be from time to time amended thereafter by action of the City Council.
11. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
12. "Easement" means an authorization by a property owner for another entity or utility to use a designated part of the property for a specified purpose.
13. "Flood hazard area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Insurance Administration.
14. "Flood Plain Management Ordinance" means an ordinance regulating the development of all property located within a flood plain as shown on the FEMA flood plain map for the City of Riverside. The Riverside Flood Plain Ordinance is noted in Chapter 161. No provision of this ordinance shall vary the terms and conditions of the Flood Plain Management Ordinance.
15. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

16. "Forty-acre aliquot part" means one-quarter of one-quarter of a section.
17. "Government lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
18. "Improvements" means changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk- ways, water mains, sewers, drainage ways, and other public works and appurtenances.
19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.
20. "Lot, Corner" means a lot situated at the intersection of two streets.
21. "Lot, Double Frontage" means any lot that is not a corner lot that abuts two streets.
22. "Metes and bounds description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
23. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the county recorder, auditor, and assessor.
24. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
25. "Parcel" means a part of a tract of land.
26. "Permanent real estate index number" means a unique number or combination or numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.
27. "Planning and Zoning Commission" or "Commission" means the appointed commission designated by the City Council for the purpose of this ordinance, and may also be the zoning commission, in which case such commission shall be known as the Planning and Zoning Commission.
28. "Plat" means a map drawing, or chart on which a subdivider's plan as prepared in accordance with this ordinance for the subdivision of land to be presented, that he or she submits for approval and intends, in final form, to record. Preliminary and Final Plats are required.
29. "Plats Officer" means the individual assigned the duty to administer this ordinance by the City Council or other appointing authority.
30. "Plat of survey" means the graphical representation of survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor, in accordance with the current Iowa Code.

31. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding person holding mortgage, easement, or lien interest.

32. "Street" means public property or right-of-way dedicated to and accepted for the public use, which affords the principal means of access to abutting property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property or may refer to the paving installed within such right-of-way.

33. "Street, Arterial" means a street primarily intended to carry traffic from cross-town or through traffic, and not intended to provide access to abutting property.

34. "Street, Collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

35. "Street, Local" means a street primarily designed to serve as a means of access to abutting property. They are intended to be low speed (less than or equal to 25MPH) and short trip routes, with usually less than 500 vehicles per day use.

36. "Subdivider" means the owner of the property being subdivided or such other person or entity empowered to act on the owner's behalf.

37. "Subdivision" means the division of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.

38. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.

39. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa.

40. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

41. "Utilities" means systems for the distribution or collection of water, gas, electricity, telephone, cable, wastewater, and storm water.

166.09 IMPROVEMENTS REQUIRED. The subdivider shall, at his or her expense, install and construct all improvements required by this ordinance and the Design Standards of the City of Riverside and as generally shown on the preliminary plat within the subdivision proper. All required improvements shall be constructed in accordance with the aforementioned design standards established for such improvements and shall be reviewed by the City and the City Engineer.

1. Urban Renewal Area Exception: The City may consider waiving portions of Section 166.09 if all of the following circumstances exist:

A. The subdivision is located within an active urban renewal area eligible for tax increment reimbursement, and;

B. The subdivider can demonstrate how the City's participation in cost sharing for improvements within the subdivision will achieve the goals and objectives of the urban renewal areas, and;

C. The subdivider is prepared to offer the City an infrastructure improvement, property, or service that is equal or commensurate to the City's financial contribution and meets the stated goals and objective of the City's Urban Renewal Plan.

2. In all cases, the subdivider shall extend municipal utilities and services to the edge of the subdivision.

166.10 INSPECTION. All improvements shall be inspected to ensure compliance with the requirements of this ordinance by the City Engineer. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City. Reimbursement for said costs shall be received prior to the Final Plat approval.

166.11 MINIMUM IMPROVEMENTS. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

All of the minimum improvements mandated by this section shall be designed and constructed in accordance with the requirements of this ordinance, the Riverside Design Standards, Iowa Department of Natural Resources (IDNR), and the minimum requirements of all other applicable state or federal regulatory agencies or departments.

The subdivider must provide evidence of any and all construction permits, highway or road easements and access, or other appropriate documentation from state or federal regulatory agencies prior to approval of the final plat. Easements from all utility companies will also be required.

The City reserves the right to request changes to a proposed subdivision that may exceed the municipal capacities for streets, sewer, water, or other services. In this event, the City may request a proportional fee from the subdivider, to be determined by the City and the City Engineer, for any required capacity improvements.

1. **Streets in General.** The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets.
 - A. Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such an event, the City will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the City, become the property of the City. The street shall be constructed in compliance with the City of Riverside, Iowa Design Standards.
2. **Sanitary Sewer System in General.** The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's

expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewer from all lots or parcels of land within the platted area to a connection with the City's sanitary sewer. The City's role in reviewing the plans is to determine the sanitary sewer's placement, size, and route. The Sanitary Sewer System shall be constructed in compliance with the City of Riverside, Iowa Design Standards and Iowa Department of Natural Resources requirements.

- A. Under some circumstances the City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.
 - B. The City's inability to efficiently collect or treat wastewater may be grounds for rejection of a proposed subdivision. A proportional fee may be requested by the City, from the subdivider, to pay for the necessary upgrades in the sewer system.
 - C. The sewer system improvements shall upon inspection, approval and acceptance by the City, become the property of the City.
 - D. The subdivider must provide evidence of construction permits from the Iowa Department of Natural Resources, or any other permitting agency that has jurisdiction prior to approval of the final plat.
3. Storm Sewer System: The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The Storm Sewer System shall be constructed in compliance with the City of Riverside, Iowa Design Standards.
- A. Storm sewer facilities shall be located in the road right-of-way where feasible, or in the perpetual unobstructed easement of appropriate width.
 - B. In the storm sewer design phase, the subdivider shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. The subdivider's 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 City Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
 - C. The subdivider must document that adequate storm detention is included in the storm sewer design by submission of design calculations with the Preliminary Plat. This may require work outside of the proposed subdivision's boundaries which is the sole responsibility of the subdivider. The City may require this work to be undertaken to protect surrounding properties as a condition for approval of the subdivision.
 - D. The storm sewers shall, upon inspection, approval and acceptance by the City, become the property of the City. However, the City may not own any detention basin or other storage facility and may require written provisions for the maintenance of the facility.
4. Water Main System in General: The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall

connect the same to the City's existing water mains. The minimum acceptable standard for water main design will be the same as the IDNR for applicable uses and fire flows. The Water Main System shall be constructed in compliance with the City of Riverside, Iowa Design Standards with special provisions to meet the Iowa Department of Natural Resources requirements.

- A. The subdivider shall install adequate water facilities, and fire hydrants which shall be subject for review and approval by the Riverside Fire Chief for possible locations to be constructed, if applicable, dry hydrant locations.
 - B. All Iowa Department of Natural Resources permits must be secured prior to construction or approval of the final plat.
 - C. Under some circumstances the City may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to meet the needs of the platted area, but necessary to complete a city water distribution system sometime in the future as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area. Refer to the City of Riverside, Iowa Design Standards.
5. Other Improvements. The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks within all street right-of-way areas; the installation of compliant erosion control measures; all other utilities that serve the City; and the installation of street lighting. All such improvements shall be under the direction of the City Engineer. All improvements addressed in the City of Riverside, Iowa Design Standards shall be constructed.

166.12 EASEMENTS REQUIRED.

1. Public Utilities: The flexible placement of easements for public utilities shall be allowed, however, such placement shall be subject to the review of the Governing Body and all applicable utility companies prior to approval of the final plat. All utilities to serve each lot shall be placed in a common easement. Said easements shall be at least ten (10) feet in width. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of all utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses: Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement equal to the floodway along said stream or watercourse to ensure the proper maintenance of the watercourse, as approved by the City.

166.13 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City, proper maintenance bonds satisfactory to the City, so as to insure that for a period of two (2) years from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair. The City may, at its sole discretion, accept alternative sureties to maintenance bonds to insure the workmanship of the improvements accepted by the City.

166.14 STANDARDS PRESCRIBED. The standards set forth in this ordinance and those contained in the Design Standards shall be considered the minimum standards necessary to protect the public health, safety, and general welfare. These standards should also be considered in accordance with the requirements of applicable state and federal agencies. In the event that the City's minimum standards should conflict with applicable state and federal requirements, the state and federal requirements shall prevail.

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

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

166.16 LANDS SUBJECT TO FLOODING. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City unless it is demonstrated that the subdivision complies with all requirements of the Riverside Flood Plain Management Ordinance. No lot shall be located so as to include land located within a floodway or flood hazard areas unless the lot is of such size and shape that it will contain a buildable area, not within the floodway or flood hazard areas, sizeable for development as allowed by the zone in which the lot is locate. Those areas subject to flooding shall be determined by the U.S. Federal Emergency Management Agency (FEMA) flood plain map for the City of Riverside.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to approval of the City.

1. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.
2. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

166.17 PLAT TO CONFORM TO COMMUNITY DEVELOPMENT PLAN. The arrangement, character, extent, width, grade and location of all streets shall conform to the design standards for such streets as approved by the City Council. The general nature and extent of the lots and uses proposed shall conform to the Community Development Plan of the City, provided such plan has been adopted by the City; and may also conform to such other plans as Future Land Use or any other conceptual plan determined at the time by the City.

166.18 CONSTRUCTION STANDARDS FOR IMPROVEMENTS. In addition to any standards set forth in this ordinance the subdivider shall be governed by the provisions of the City of Riverside, Iowa Design Standards. The Design Standards shall have such force and effect as if they were fully set forth herein.

166.19 STREET STANDARDS. The City of Riverside, Iowa Design Standards shall govern all standards for the construction of streets, driveways, sidewalks, and other utilities as provided therein unless specifically contradicted by the terms of the Subdivision Ordinance.

1. General: The following standards shall apply to all streets to be located within the subdivision:
 - A. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Plan, the plat shall provide for such street.

- B. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.
 - C. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
 - D. Street right-of-way widths and pavement widths shall be as specified in the design standards for public improvements.
 - E. Half-streets are prohibited, except, where an existing platted half-street abuts a subdivision, a platted half-street to complete the street shall be required.
 - F. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.
 - G. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.
 - H. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.
 - I. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
 - J. Dead end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed. A temporary turn around easement on the adjacent lots at the dead end shall be included until such time the street is extended. A minimum right-of-way easement diameter of one hundred (100) feet shall be provided.
 - K. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted if there are no other feasible alternatives available.
 - L. In general, alleys shall not be permitted in residential areas and shall be required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred (100) feet.
 - M. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and adequate utility connections. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the City Council, be made a requirement of the plat.
 - N. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New streets names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the City Council.
 - O. Private streets shall be prohibited. The City Council may approve a waiver to this rule where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.
2. Railroads and Limited Access Highways: Railroad right-of-ways and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- A. In all districts a buffer strip at least fifty (50) 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. A buffer strip in at least twenty (20) feet in depth in addition to the normal depth of the 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. 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 two hundred twenty-five (225) 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.

166.20 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions:

1. No residential block shall be longer than thirteen hundred and twenty (1,300) feet or shorter than three hundred (300) feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easements.
2. In blocks over seven hundred (700) feet in length the Council may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.
3. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.
4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
5. The size and shape of all lots shall comply with all requirements approved by the Council.
6. All lots shall abut a public street, or upon an approved private street.
7. Unless unavoidable, lots shall not front, or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
8. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the City Council, a variation to this provision will provide a better street and lot layout.
9. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

166.21 PARKS AND OPEN SPACE. All subdivisions should be so designed as to meet the neighborhood park and open space needs of their residents. The following standards and procedures will be used to determine the park and open space requirements for all proposed developments or subdivisions greater than 1/2 acre in size within the City of Riverside:

1. For all developments and subdivisions, the subdivider shall be responsible for providing adequate park and open space in one or both of the following ways, depending on the decision of the City of Riverside.

- A. If it is feasible and compatible with the Plan of the City of Riverside, as determined by the City Council upon the recommendation of the Planning and Zoning Commission, the subdivider will be required to dedicate and reserve an area for parks and open space, without cost to the city.
 - i. The amount of land shall be determined by first calculating the entire size of the land area of the proposed developments as shown on the preliminary plat or site plan and then to require dedication or reservation of five percent (5%) of this amount for parks and open space.
 - ii. This area shall be denoted on the final plat prior to approval of the final plat.

- B. Where such dedication is not feasible or comparable with the Plan, as determined by the City Council upon recommendation of the Planning and Zoning Commission, the subdivider shall, in lieu thereof, pay to the City a fee or combination of fee and land, equivalent to the value of the required dedication or reservation to be determined and used in the following manner:
 - i. The City Council, upon recommendation of the Planning and Zoning Commission, shall determine the size of the land area which it would have required to set aside for parks and open space (5% of the total land area).
 - ii. The cash value of said land shall be determined by taking the total purchase price or cost of all the land in the proposed subdivision and charge the owner the proportionate value of the land area so designated; based upon such purchase price or reasonable value of the land. If such purchase price or cost does not reflect the current fair and reasonable value of the land, the fair value of said land shall be determined by an impartial appraisal, and in such manner as may be designated by the City Council, cost for said appraisal to be shared equally between the subdivider and the City.
 - iii. All funds so levied, assessed, and collected by the City shall be deposited in a special fund to be known as the "Special Fund for the Acquisition and Development of Public Service Areas, Open Space and Recreational Facilities", and that said funds so levied and collected shall be used for such purposes and at such places and in such a manner as shall be approved, ordered and directed by a recreation committee appointed by the City Council.

Any interest accumulated upon such funds shall be added to the "Special Fund" and be used only for acquisition and developments of open space and recreational facilities.

2. At the time of the preliminary plat approval, the City Council, upon recommendation by the Planning and Zoning Commission, shall determine whether to require a dedication of land within the subdivision or the payment of a fee, in lieu thereof, or a combination of both, from the subdivider, for parks and open space.

3. Where a dedication is required, it shall be accomplished with a properly executed Warranty Deed dedicating the required land to the City without cost to the City. Where a fee, in lieu of dedication is required, it shall be accomplished prior to the approval of the final plat.

4. The determination by the City of whether to require dedication of land, or a fee, in lieu of thereof, shall be based on the following:
 - A. Recreational element of the City's Plan.
 - B. Topographic and geologic conditions and access and location of land in subdivision available for dedication.
 - C. Size and shape of the subdivision and land available for dedication.
 - D. The relation of the subdivision to the Plan map, particularly as such plan map may show proposed public service areas, open space and recreational areas.
 - E. The character and recreational needs of the neighborhood in which the subdivision is located.
 - F. The unsuitability in the subdivision for open space and recreational purposes by reason of location, access, greater cost of development and maintenance.
 - G. The possibility that land immediately adjoining the subdivision will serve in whole or in part the public service area, open space, and recreational needs of such subdivision.
 - H. Any and all other information relevant to a proper determination.

The determination of the City Council as to whether land shall be dedicated or reserved or a fee shall be charged, or a combination thereof, shall be final and conclusive.

166.22 PARKS AND SCHOOL SITES RESERVED. When a tract being subdivided includes lands proposed to be parks or school sites in the Plan or other official plan of the City, the subdivider shall indicate such areas on the plat.

1. Proposed park sites shall be reserved for three (3) years, giving the City or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park site not be purchased within three (3) years, the subdivider may then amend the final plat.
2. Proposed school sites shall be reserved for three (3) years, giving the appropriate school district the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the school district. Should the school sites not be purchased within three (3) years, the subdivider may then amend the final plat.

166.23 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 purpose, the layout of the subdivision with respect to such land may be subject to additional provisions as the City 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 City 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 subdivider 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. In addition to the design standards, the following principles and standards shall be observed:

- A. Proposed industrial or commercial parcels shall comply with the zoning ordinance.
- B. Street rights-of-way width and pavement thickness shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- C. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage and detention.
- D. 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.
- E. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

166.24 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the City Clerk. The conference should be attended by the Mayor or other Officer (s) and such other City or Utility representative as is deemed desirable; and by the owner and his engineer or planner, as deemed desirable.

The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirement, procedures, and any special problems related to the proposed subdivision.

166.25 SKETCH PLAN REQUIRED. For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

166.26 PRESENTATION TO PLANNING COMMISSION. The subdivider may present the sketch plan to the Planning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

166.27 SUBDIVISION CLASSIFIED. Any proposed subdivision shall be classified minor subdivision or a major subdivision, according the provisions of any Agreements Washington County if applicable.

1. Minor Subdivision. Any subdivision that contains not more than three (3) lots fronting on an existing developed street or private drive and that does not require state permit approval for construction of any public improvements, and that does not adversely affect the remainder of the parcel shall be classified as a minor plat.

2. Major subdivision. Any subdivision that, in the opinion of the City Council, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

166.28 PLATS REQUIRED. In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the City, plats and other information as required by this ordinance and design standards. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision may elect to combine the requirements of the preliminary and final plats into a single document subject to the County Auditor's approval.

166.29 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall prepare and file with the City Clerk twenty (20) copies of the preliminary plat, drawn at a scale of one-inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" X 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

1. Title, scale, north point, and date.
2. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.
3. The name and address of the owner and the name, address and profession of the person preparing the plan.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property and identification of the Plan or Agreement designations where relevant.
8. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater.
9. Identification of any flood plain areas and 100 year flood elevation, and the flood plain alphanumeric designation within the subdivision.
10. The legal description of the area being platted.
11. The boundary of the area being platted, shown as a dark line with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
12. The layout, numbers and approximate dimensions of proposed lots.
13. The location, width, and dimensions of all streets and alleys proposed to be dedicated for public use.
14. The proposed names for all streets in the area being platted.

15. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, cable utilities, telephone utilities, street lighting and other facilities, and their connections to existing utilities.
16. Proposed easements, showing locations, widths, purposes and limitations.
17. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the Plan or other adopted plans.
18. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
19. Any other pertinent information, as necessary.
20. The fee, as required by this ordinance.
21. All initial developments (phase one) and all future planned developments within the area (phase two, phase three, etc.). Failure to completely identify all proposed developments in the subdivision area will be grounds for rejecting the plat.

166.30 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS.

1. The City Clerk, upon receipt of twenty (20) copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward the remaining copies of the plat as provided herein.
2. The City Clerk shall provide copies of the plat to the City Engineer, to the City Attorney, and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Planning Commission.
3. The Planning Commission shall examine the plat and the reports of the City Engineer and City Attorney, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the City, and conforms to the Plan and other duly adopted plans of the City. The Planning Commission shall, within forty-five (45) days of the filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the City Council. If such recommendation is to disapprove or modify the plat, the reasons therefore shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the subdivider.
4. The City Council shall examine the plat, the reports of the City Engineer and City Attorney, the report of the Planning Commission, and such other information as it deems necessary or desirable. Upon such examination, the City Council shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City; in order to protect the public health, safety, and welfare. Following such examination, the City Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the City Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the City Council, and such

decisions shall be provided to the subdivider. Action on the preliminary plat by the City Council shall be taken within sixty (60) days of the filing of the plat with the City Clerk.

166.31 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the City Council shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the City Council.

166.32 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of the preliminary plat shall constitute authorization by the City Council for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for the construction of such improvements as defined in the design standards have been submitted to, and approved in writing by, the City Engineer and all necessary permits have been issued from all the appropriate State and Federal agencies (e.g., IDNR, IDOT, etc.).

166.33 TRANSFER OF LOTS WITHOUT CONSTRUCTING IMPROVEMENTS. In the event the subdivider, its assigns or successors in interest, should transfer lots in a subdivision without having constructed or installed the pavement, water mains, sanitary sewer, storm sewers, sidewalks, private utilities or other public improvements, the city shall have the right to install and construct such improvements and the costs of such improvements shall be lien and charge against all the lots adjacent to or in front of which the improvements are made and lots which may be assessed for improvements under the provisions of Chapter 384 of the Code of Iowa. The cost of such improvements need not meet the requirements of notice, benefit or value as provided by state law for assessing such improvements. In addition, the requirement to construct such improvements is, and shall remain, a lien on all property located within the subdivision until properly released by the city.

166.34 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before the City Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City standards, specifications and ordinances or other city requirements, and any agreements between the subdivider and the City.

166.35 PERFORMANCE BOND PERMITTED. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond satisfactory to the City, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvement to be constructed. Improvements will be accepted only after their construction has been completed.

166.36 REQUIREMENT OF THE FINAL PLAT. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk, twenty (20) copies of the final plat and required attachments, as set forth in this ordinance. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the City Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above. Copies of the Final Plat shall be distributed to the City Engineer and City Attorney shall report the findings of their review to the City Council for its consideration regarding acceptance of the Final Plat by resolution. All resolutions approving final plats shall be recorded by the subdivider, with copies of the recorded documents to be provided to the City Attorney.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" X 24") nor smaller than eight and on-half inches by eleven inches (8-1/2" X 11") and shall be of size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and shall show the following:

1. The name of the subdivision.
2. Name and address of the owner and subdivider.
3. Scales, and a graphic bar scale, north arrow and date on each sheet.
4. All monuments to be of record, as required by Chapter 355, Code of Iowa.
5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided land.
6. All distance, bearing, curve, and other survey data, as required by Chapter 355, Code of Iowa.
7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of the subdivision shall be shown. If the subdivision platted is part of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made.
8. Street names and clear designation of public alleys.
9. Block and lot numbers.
10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable, television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat."
13. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the City Council.
14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:15,000 for any individual lot.
15. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

16. Certification by the local public utility companies that the location of utility easements are properly placed for the installation of utilities.
17. Certification of dedication of streets and other public property and perpetual easements for the installation, operation, and maintenance of utilities.
18. Contain a signature block for the signature of the Mayor certifying the City Council's approval of the plat.
19. Show any provisions provided by the Code of Iowa.
20. Show appropriate date of IDNR and City approval of flood plain permits when specific lots within the subdivision are proposed for development within the one-hundred-year (100) flood plain boundary. Indicate each proposed dwelling's lowest occupied elevation on each lot.
21. The final plat should also have the following accompanying instruments:
 - A. An opinion by an attorney at law who has examined the Abstract of Title for the land being platted, stating the names of the proprietors and holders of mortgages, liens, or other encumbrances, along with any bonds securing the encumbrances.
 - B. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed, and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond in an amount double of the amount encumbrance and approved by the recorder and clerk of district court and which runs to the county for the benefit of purchasers of lots within the plat may be recorded in lieu of the consent of mortgagee or lienholder. When a mortgagee or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City Council or dedicated to the public.
 - C. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by a bond double in the amount of the lien and approved by the recorder and clerk of district court and which runs to the County for the benefit of purchasers of lots within the plat and filed with the recorder.
 - D. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors shall also include a dedication to the public of all lands within the plat which are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the City Council.
 - E. A petition signed by the owner and his or her spouse petitioning the City Council to pave any streets abutting such subdivision which petition waives notice of time and place of hearing and waives statutory protections and limitations as to the cost and assessment of improvements.
 - F. A certificate from the county auditor that the name or title of the subdivision plat is approved by the county auditor.
 - G. The subdivider shall provide CAD format reproductions of the plats to the City Engineer.
 - H. The subdivider shall have completed all payments to the City for City Engineer's inspection costs incurred to the date of submission of the final plat.

166.37 WAIVERS AND EXCEPTIONS. The following shall apply to the granting of waivers or exceptions:

1. Hardships. Where the City 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 waivers or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such waive or exceptions to these regulations meets the following criteria:
 - A. The granting of the waiver 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 waiver is based are unique to the property for which the waiver is sought, and are not applicable, generally, to other property.
 - C. Because of the particular physical surroundings, shape or 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 regulations were carried out.
 - D. A variance may not be granted solely on the basis of the subdivider's desire to earn a greater profit on the property.
2. Conditions. In granting waivers and exceptions, the City 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 Waiver or Exception. A petition for any such variation or exception 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 the facts relied upon by the petitioner. The petition shall be referred to the Planning and Zoning Commission for its review and recommendation prior to submission of the issue to the City Council.

166.38 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the City Council, provided that such changes and amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law. Such proposed amendments shall first be submitted to the Planning Commission for study and recommendation before the hearing date is scheduled. The Planning Commission shall forward its recommendation to the Council within thirty (30) days after the City Council requests the recommendation. The City Council shall then give notice of and hold a public hearing on the proposed amendment.

166.39 SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

166.40 ORDINANCE NOT TO LIMIT OTHER ORDINANCES. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

166.41 WHEN EFFECTIVE. This ordinance shall be effective after its final passage, approval and publication as provided by law.

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