

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 PURPOSE. The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions 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 in the City.

166.02 DEFINITIONS. For use in this chapter, the following terms or works are defined.

1. “Alley” means a public right-of-way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
3. “Building Lines” means a line on a plat between which line and public right-of-way no buildings or structures may be erected.
4. “Commission” means the Planning and Zoning Commission of the City.
5. “Cul-de-sac” means a minor street having one end open to traffic and terminated by a vehicular turnaround.
6. “Easement” means a grant of the right to use a strip of land for specific purposes by the general public, a corporation or certain persons.
7. “Flood” means an overflow of water onto lands not normally inundated.

8. "Flood plain" means a relatively flat area or low lands adjoining the channel of a river, stream or water course, lake or other body of standing water, which has been or may be covered by flood waters.
9. "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.
10. "Major street" means a street which is used continuously connecting various sections of the City.
11. "Minor street" means a street which is used primarily for access to the abutting properties.
12. "Performance bond" means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the City, and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.
13. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision of land is presented and which the subdivider submits for approval and intends, in final form, to record.
14. "Public Right-of-Way" means the area between property lines dedicated to and accepted by the City for public use, providing access to abutting properties, and providing routes for public utilities.
15. "Subdivider" means the person undertaking the subdivision or resubdivision of a tract or parcel of land.
16. "Subdivision" means the division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land or any division of land.
17. "Simple Subdivision" is defined as any subdivision in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which contains fewer than three (3) lots.
18. "Minor Subdivision" is defined as any subdivision in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which contains three (3) or more lots.

19. “Major Subdivision” is defined as any subdivision which is not a simple plat or a minor subdivision.

20. A “Preliminary Plat” is a study, drawing, map, or chart indicating the proposed manner or layout of the subdivision which is submitted to the Planning and Zoning Commission and City Council for consideration.

21. A “Final Plat” is a map or drawing, on which the subdivision is presented in the form which, if approved by the Zoning Administrator, Planning and Zoning Commission, and/or City Council, will be filed and recorded with the County Recorder.

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

166.04 PROCEDURE. In obtaining final approval of a proposed subdivision by the City of Cascade, the subdivider shall submit a preliminary plat or final plat to the City Clerk in accordance with the zoning regulations of the City and the requirements hereinafter set forth and install improvements or provide a performance bond. Should any provisions of this chapter be in conflict with any other ordinance, the more restrictive shall apply.

1. Simple subdivisions shall be reviewed by the Zoning Administrator to determine compliance with the Code of Ordinance of the City of Cascade. The Zoning Administrator shall require and enforce conditions to provide that the simple subdivision meets the requirement of Code of Ordinance of the City of Cascade. Review by the Planning and Zoning Commission and City Council shall not be required. No simple subdivision shall be recorded unless the Zoning Administrator has approved the plat. Fees for the review of simple subdivision shall be set by resolution of the City Council from time to time.

2. Minor subdivisions shall be reviewed and approved by the Planning & Zoning Commission and City Council per the requirements hereinafter set forth. A preliminary plat is not required for a minor subdivision. However, the Planning & Zoning Commission may, in special circumstances where the Commission feels that the final plat does not convey enough information to adequately review the subdivision, move to require additional information or a complete preliminary plat. A

minor subdivision may also be approved by the Zoning Administrator provided that such subdivision has been previously reviewed and approved as part of larger minor or major subdivision by the Planning & Zoning Commission and City Council. Fees for the review of a minor subdivisions shall be set by resolution of the City Council from time-to-time.

3. Major subdivisions shall require a preliminary plat and final plat as prescribed in Sections 166.05 and 166.10 of this Chapter and review and approval of Planning & Zoning Commission and City Council per the requirements hereinafter set forth. In addition, a pre-application conference with a committee of the City Council shall be required to acquaint the affected parties with the proposed subdivision, the City's subdivision requirements, and to outline the subdivision review and approval process. Fees for the review of a major subdivision shall be set by resolution of the City Council from time-to-time.

166.05 REQUIREMENTS OF PRELIMINARY PLAT. The subdivider shall first prepare and file with the Clerk five (5) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.
4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitations.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.

10. Names and addresses of the owner, subdivider, builder, and engineer, surveyor or architect who prepared the preliminary plat, and the engineer, surveyor or architect who will prepare the final plat.
11. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
12. 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, unless the Council waives this requirement.
13. Existing and proposed zoning of the proposed subdivision and adjoining property.

166.06 REFERRAL OF PRELIMINARY PLAT. The Clerk shall forthwith refer five (5) copies of the preliminary plat to the Commission.

166.07 ACTION BY THE COMMISSION. The Commission shall, as soon as possible, but not more than thirty (30) days thereafter, negotiate with the subdivider or changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and pass 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 approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification, or disapproval.

1. In the event that substantial changes or modifications are made by the Commission or disapproval of the plat, it shall give its reasons therefore and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. The action of the Commission shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copies retained by the City.
3. The "Conditional Approval" by the Commission shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

166.08 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 the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

166.09 REFERRAL OF FINAL PLAT. The subdivider shall, within twelve (12) months of the “Conditional Approval” of the preliminary plat by the Commission, prepare and file seven (7) copies of the final plat and other required documents with the Clerk as hereinafter set forth, and upon failure to do so within the time specified, the “Conditional Approval” of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Commission. Upon receipt of the final plat and other required documents, the Clerk shall transmit five (5) copies of the final plat to the Commission for its recommendations and approval.

166.10 REQUIREMENTS OF THE FINAL PLAT. The final plat shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one inch with India ink on a reproducible tracing linen. It shall show:

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan.
4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.
5. The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
6. A sealed certification of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.

166.11 FINAL PLAT ATTACHMENTS. The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. A certificate by the owner and spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
3. A complete abstract of title and an attorney’s opinion showing that the fee title to the subdivision land is in the owner and that the land is

free from encumbrances other than those secured by an encumbrance bond.

4. A certificate from the Clerk of the District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in that office.

5. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.

6. A certificate of the County 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 bond in compliance with Section 354.12 of the Code of Iowa.

7. A certificate of dedication of streets and other public property.

8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.

11. A certificate by the Clerk that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

12. The encumbrance bond, if any.

Within thirty (30) days after application for approval of the final plat, the Commission shall approve or disapprove it. If the Commission approves, it shall fix its seal upon the plat together with the certified signature of its Chairperson and Secretary. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy. After approval of the final plat by the Commission, and the fulfillment of the requirements of these regulations, one copy shall be submitted to the Clerk for approval by the Council.

166.12 ACTION BY THE COUNCIL. Upon receipt of the certification by the Clerk the Council shall, within a reasonable time, either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.
3. 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.

166.13 GENERAL REQUIREMENTS. The following general requirements shall be followed by all subdividers:

1. Land Suitability. No land shall be subdivided which is held unsuitable for its intended use by the Commission for reasons of flooding, inadequate drainage, soil, and rock formations with severe limitations for development, susceptibility to mud slides or earth slides, severe erosion, potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed subdivision or the community at large. However, the Commission may approve preliminary and final plats if subdividers improve lands consistent with the standards of this and other applicable ordinances to make subdivision areas, in the opinion of the Commission, suitable for their intended uses. The Commission may also approve the preliminary and final plats if subdividers agree to make suitable improvements and place a sum in escrow pursuant to Section 166.16 of this chapter to guarantee performance. In determining the appropriateness of land subdivision at a site, the Commission shall consider the objectives of this chapter and:

- A. The danger to life and property due to the increased flood heights, or velocities caused by subdivision fill, roads, and intended uses.
- B. The danger that intended uses may be swept on to other lands or downstream to the injury of others.

- C. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - E. The importance of the services provided by the proposed facility to the community.
 - F. The requirements of the subdivision for a water-front location.
 - G. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
 - H. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed subdivision to the comprehensive plan and flood plain management program for the area.
 - J. The safety of access to the property for emergency vehicles in times of flood.
 - K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 - L. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
2. Relation to Existing Streets.
- A. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - B. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the Council to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

3. Acreage Subdivisions.

A. Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.

B. Where the parcel is subdivided into larger tracts than for building lots such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

C. Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

4. Minor Streets. Minor streets shall be so planned as to discourage through traffic. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turnaround, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.

5. Frontage Streets.

A. Where a subdivision abuts or contains an existing or proposed arterial street, the City of Cascade may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

B. Where a subdivision borders on or contains a rail-road right-of-way or limited access highway right-of-way, the City may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

6. Half streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the City finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
7. Street Geometrics.
 - A. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
 - B. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collection streets.
 - C. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the City shall determine for special cases.
8. Street and Alley Widths.
 - A. Major streets shall have a minimum width of sixty-six (66) feet with a minimum of forty-one (41) foot roadway.
 - B. Minor streets shall have a minimum width of sixty-six (66) feet with a minimum of thirty-seven (37) foot roadway.
9. Intersections.
 - A. Insofar as is practical, acute angles between streets at their intersection are to be avoided.
 - B. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
 - C. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the Commission may deem it necessary. The Commission may permit comparable cutoffs or chords in place of rounded corners.
10. Street Names. In general, streets running east and west shall be named "avenues". Streets running north and south shall be named "streets". Streets that loop around and exit in the same direction as they enter shall be named "courts". Streets that end in a cul-de-sac shall be

named "lanes". Streets that are in alignment with others already existing and named 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 Commission.

11. Street Grades. Street grades, wherever feasible, shall not exceed five percent (5%), with due allowance for reasonable vertical curves. No street grade shall be less than one-half (1/2) of one percent.

12. Alleys.

A. Alleys shall be provided in commercial and industrial districts, except that the Commission 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.

B. The width of an alley shall be twenty (20) feet.

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

D. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Commission.

13. Blocks.

A. No block may be more than one thousand three hundred twenty (1,320) feet or less than five hundred (500) feet in length between the centerlines of intersecting streets, except where, in the opinion of the Council, extraordinary conditions unquestionably justify a departure from these limits.

B. In blocks over seven hundred (700) feet in length, the Council may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.

14. Lots.

A. The lot size, width, depth, shape and orientations shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform to the zoning regulations of the City.

B. Minimum lot dimensions and sizes shall conform to the following:

- (1) Minimum lot size shall not be less than 80' x 120'.
- (2) Residential lots where not served by public sewer shall not be less than eighty (80) feet wide or less than ten thousand (10,000) square feet in area.
- (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking facilities required by the type and use and development contemplated.
- (4) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.

C. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

D. 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.

E. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

15. Building Lines. Building lines shall be shown on all lots within the platted area. The Commission may require building lines in accordance with the needs of each subdivision.

16. Easements.

A. Easements across lots or centered on rear or side lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width for construction, or both, as will be adequate for the purpose.

17. Plat Markers. Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the City. The markers shall be of such material, size and length as may be approved by the City.

18. Because of the unconventional platting requirements of zero-lot line developments as allowed by the Cascade Zoning Ordinance in the R-2 and

R-4 zoning districts, the City Council may waive specific requirements of this section as applicable after receiving recommendation from the Planning and Zoning Commission prior to creation of the preliminary plat and/or the final plat. The request for specific waiver shall be made by the subdivider and shall be presented to the Zoning Administrator preceding any formal plat submitted.

166.14 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Commission and to its satisfaction.

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Commission.
2. Roadways. All roadways shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the Commission may require.
3. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the Commission.
4. Sidewalks. Sidewalks may be required by the Commission if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the Commission.
5. Water Lines. Where a public water main is reasonably accessible, the subdivider shall connect with such water main and provide a water connection for each lot with service pipe installed to the property line in accordance with the Water Department standards, procedure and supervision.
6. Sewers.
7. Underground Utilities Required. Electric and telecommunications lines shall be underground in designed utility easements and/or public right-of-ways in accordance with applicable electrical and safety codes and no less than a minimum depth of eighteen (18) inches from finished grade.
 - A. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to

each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the Commission and the State Department of Health.

B. Where sanitary sewers are not available, other facilities, as approved by the Commission and the State Department of Health, must be provided for the adequate disposal of sanitary wastes.

C. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Commission.

166.15 INSPECTION OF IMPROVEMENTS. The Council shall provide for the inspection of required improvements during construction and insure their satisfactory completion. The subdivider shall pay to the City an inspection fee equal to the actual cost of inspection. These fees shall be due and payable upon demand of the City and no building permits shall be issued until all fees are paid. The subdivider shall furnish the City with a construction schedule prior to the commencement of any and all construction, and notify the City not less than forty-eight (48) hours in advance of readiness for required inspection.

166.16 COMPLETION OF IMPROVEMENTS. Before the Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the subdivider shall provide the City with detailed record drawings or as-built drawings prepared by a licensed engineer for the required public improvements. The City Administrator shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

166.17 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat; but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

166.18 MAINTENANCE BOND. The subdivider shall also warrantee the materials and labor on the required public improvements for a period of two (2) year after completion and acceptance by resolution of the Council. Said

warrantee shall be in the form of a maintenance bond issued by a responsible surety company and approved by the City of Cascade.

166.19 VARIANCES. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions, the Council may, upon recommendation from the Commission, vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements and in no instance shall it be in conflict with any zoning ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Council.

166.20 CHANGES AND AMENDMENTS. Upon recommendation from the Commission, any regulations or provisions of this regulation 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 a public hearing has been held, public notice of which shall have been published at least once, not less than four (4) or more than twenty (20) days before the date of the hearing.

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