

TITLE V - BUILDING AND PROPERTY REGULATIONS  
ZONING, LAND USE AND SUBDIVISIONS

CHAPTER 125  
SUBDIVISIONS - GENERAL PROVISIONS

125.01	Title and Purpose	125.06	Action Under Prior Provisions
125.02	Definitions	125.07	Variations and Exceptions
125.03	Policy	125.08	Changes and Amendments
125.04	Application and Jurisdiction	125.09	Enforcement, Violations and Penalties
125.05	Interpretation		

125.01 TITLE AND PURPOSE. Chapters 125, 126 and 127 of this Code of ordinances shall be known and may be cited as "The City of Webster City, Iowa, Subdivision Regulations." The purpose of these regulations is to provide minimum standards for the design, development and improvement of all new subdivision and resubdivisions 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 Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City.

(Code of Iowa, Sec. 409.14)

125.02 DEFINITIONS. For use in these chapters relating to subdivisions, certain terms or words used herein shall be interpreted or defined as follows:

1. "Agricultural Building" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.
2. "Agricultural Subdivision" means a subdivision not meeting the definition of a major or minor subdivision and involving the sale or exchange of parcels of agricultural land having only agricultural buildings located on said land to or between the owners of adjacent properties, where such sale or exchange does not create any additional parcels.
3. "Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Supp. Feb-94

4. "Applicant" means the owner of land to be subdivided or a representative of said owner.

5. "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries.

6. "Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.

(Code of Iowa, Sec. 409.5 & 409.14)

7. "Building" means any structure built for support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

8. "Central Sewage System" means a private sewer system including collection and treatment facilities established by the developer to serve a new subdivision or resubdivision.

9. "Central Water System" means a private water system established by the developer to serve a new subdivision or resubdivision. It includes water treatment and distribution facilities.

10. "City Engineer" means the person designated by the Council to furnish engineering assistance for the administration of these regulations.

11. "Commission" means the Planning and Zoning Commission of the City.

12. "Comprehensive Plan" means the general plan for development of the community, which plan has been adopted by the Council. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

13. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.

14. "Developer" means the owner of land proposed to be subdivided or a representative of said owner.

15. "Easement" means an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said owner's property.

Supp. Feb-94

16. "Frontage" means that portion of a lot abutting on a street or way and complying with the set back and front yard requirements as they may exist, but it shall not be considered as the side of a corner lot.

17. "Individual Sewage Disposal System" means a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.

18. "Local Board of Health" means a county, city, or district board of health.

(Code of Iowa, Sec. 137.2)

19. "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.

20. "Major Subdivision" means any subdivision that does not meet the definition of a minor subdivision, an agricultural subdivision, or a property line adjustment. (Ord. 2004-1627-Oct. 04 Supp.)

21. "Minor Subdivision" means any subdivision fronting on an existing public street, not involving any new street, sewer, water or the extension or the creation of any municipal facility or public improvement.

22. "Municipal Arterial Streets" means those streets which connect principal traffic generating areas or connect such areas with other street systems.

(Code of Iowa, Sec. 306.1)

23. "Municipal Collector Streets" means those streets that collect traffic from municipal service streets and connect to other street systems.

(Code of Iowa, Sec. 306.1)

24. "Municipal Service Street" means those streets that primarily provide access to property.

(Code of Iowa, Sec. 306.1)

25. "Owner" means any person having legal title to or sufficient proprietary interest in the land to be sought to be subdivided under these regulations.

26. "Plat" means a map, drawing or chart on which the developer's plan of the subdivision of land is presented and which said developer submits for approval and intends, in final form, to record.

27. "Public Improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

28. "Resubdivision" means any subdivision of land which has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

29. "Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

30. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

31. "Street" means and includes any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words includes every other of them, and includes the entire width between property lines.

32. "Subdivider" means a person undertaking the subdivision or resubdivision of a tract or parcel of land.

33. "Subdivision" means the division of land into two (2) 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. However, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots and where the land sold or



exchanged constitutes less than fifty percent (50%) of the area of the enlarged lot after such transfer, is not considered a subdivision.

34. "Surveyor" means a land surveyor licensed and registered under the provisions of Chapter 114, Code of Iowa.

35. "Property Line Adjustment" means a subdivision of one (1) or more lots of parcels which meets the following criteria:

A. No additional lots or parcels shall be created.

B. No part of the divided lot or parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.

C. No affected lot or parcel created by the adjustment shall conflict with any provision or portion of the City's Zoning Ordinance. (Ord. 2004-1627 - Oct. 04 Supp.)

36. "Sketch Plat" means a freehand sketch drawing which depicts the Proposed division of a tract of land which meets the requirements of Ordinance No. 2004-1627. (Ord. 2004-1627 - Oct. 04 Supp.)

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

1. Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

2. Regulations to Supplement and Facilitate. It is intended that these subdivision regulations shall supplement and facilitate the enforcement of provisions and standards, ordinances or regulations of the City.

125.04 APPLICATION AND JURISDICTION. 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, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage or suburban lots within the City or within the following described area:

Commencing at the Northeast corner of the Southeast one quarter of the Southeast one quarter of Section 23 - Township 89 North - Range 26 West of the 5th P.M., Iowa; thence East along the North line of the South one half of the Southwest one quarter of Section 24 - Township

89 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of said South one half of the Southwest one quarter; thence East along the North line of the Southwest one quarter of the Southeast one quarter of said Section 24 to the Northeast corner of said Southwest one quarter of the Southeast one quarter; thence North along West line of the Northeast one quarter of the Southeast one quarter of said Section 24 to the Northwest corner of said Northeast one quarter of the Southeast one quarter; thence East along the North line of the Northeast one quarter of the Southeast one quarter to the Northeast corner of the Southeast one quarter of said Section 24; thence East along the North line of the South one half of Section 19 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of the South one half of said Section 19; thence East along the North line of the Southwest one quarter of Section 20 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of the Southwest one quarter of said Section; thence North along the West line of the Northeast one quarter of said Section to the Northwest corner of the Southwest one quarter of the Northeast one quarter of said Section; thence East along the North line of the South one half of the Northeast one quarter of said Section to the Northeast corner of the Southeast one quarter of the Northeast one quarter of said Section; thence East along the North line of the Southwest one quarter of the Northwest one quarter of Section 21 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of the Southwest one quarter of the Northwest one quarter of said Section 21; thence North along the West line of the Northeast one quarter of the Northwest one quarter of said Section 21 to the Northwest corner of the Northeast one quarter of the Northwest one quarter of said Section 21; thence East along the North line of said Section 21 to the Northeast corner of said Section; thence East along the North line of Section 22 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of the Northwest one quarter of the Northeast one quarter of said Section 22; thence South along the East line of the Northwest one quarter of the Northeast one quarter of said Section 22 to the Southeast corner of the Northwest one quarter of the Northeast one quarter of said Section 22; thence East along the North line of the Southeast one quarter of the Northeast one quarter of said Section 22 to the Northeast corner of the Southeast one quarter of the Northeast one quarter of said Section 22; thence East along the North line of the South one half of the Northwest one quarter of Section 23 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of the South one half of the Northwest one quarter of said Section 23; thence South along the East line of the South one half of the Northwest one quarter to the Southeast corner of said South one half; thence East along the North line of the Southeast one quarter of said Section 23 to the Northeast corner of the Southeast one quarter of said Section 23;

thence South along the East line of said Southeast one quarter to the Southeast corner of the Northeast one quarter of the Southeast one quarter of said Section 23; thence East along the North line of the Southwest one quarter of the Southwest one quarter of Section 24 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of the Southwest one quarter of the Southwest one quarter of said Section 24; thence South along the East line of the Southwest one quarter of the Southwest one quarter of said Section 24 to the Southeast corner of the Southwest one quarter of the Southwest one quarter of said Section 24; thence South along the East line of the Northwest one quarter of the Northwest one quarter of Section 25 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Southeast corner of the said Northwest one quarter of the Northwest one quarter; thence East along the North line of the Southeast one quarter of the Northwest one quarter to the Northeast corner of said Southeast one quarter of the Northwest one quarter; thence South along the center line of said Section 25 to the Southeast corner of the Southwest one quarter of said Section 25; thence East along the North line of Section 36 - Township 89 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Northeast corner of the Northwest one quarter of the of the West one half of the Northeast one quarter of said Section 36 to the Southeast corner of the Northwest one quarter of the Southeast one quarter of said Section 36; thence East along the North line of the Southeast one quarter of the Southeast one quarter of said Section 36 to the Northeast corner of said Southeast one quarter of the Southeast one quarter; thence South along the East line of said Southeast one quarter of the Southeast one quarter to the Southeast corner of said Southeast one quarter of the Southeast one quarter; thence West along the South line of said Southeast one quarter of the Southeast one quarter to the Northeast corner of Section 3 - Township 88 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa; thence South along the East line of said Section 3 to the Southeast corner of the Northeast one quarter of said Section 3; thence West along the South line of said Northeast one quarter to the Northeast corner of the Northwest one quarter of the Southeast one quarter of said Section 3; thence South along the East line of the West one half of the Southeast one quarter of said Section 3 to the Southeast corner of said West one half; thence West along the South line of said Section 3 to the Southwest corner of the West one half of the Southeast one quarter of said Section 3; thence South along the East line of the Northeast one quarter of the Northwest one quarter of Section 10 - Township 88 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Southeast corner of the Northeast one quarter of the Northwest one quarter of said Section 10; thence West along the South line of said Northeast one quarter of the Northwest one quarter to the Southwest corner of said Northeast one quarter of the Northwest quarter; thence South along the East line of

the Southwest one quarter of the Northwest one quarter to the Southeast corner of the West one half of the Southwest one quarter of said Section 10; thence South along the East line of the West one half of the Northwest one quarter of Section 15 - Township 88 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Southeast corner of said West one half; thence West along the South line of the West one half of the Northwest one quarter of said Section 15 to the Southwest corner of said West one half; thence South along the East line of Section 16 - Township 88 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Southeast corner of said Section 16; thence West along the South line of said Section 16 to the Northeast corner of the Northwest one quarter of the Northeast one quarter of Section 21 - Township 88 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa; thence South along the East line of the Northwest one quarter of the Northeast one quarter of said Section 21 to the Southeast corner of said Northwest one quarter of the Northeast one quarter; thence West along the South line of said Northwest one quarter of the Northeast one quarter to the Southwest corner of said Northwest one quarter of the Northeast one quarter; thence South along the East line of the Northwest one quarter of said Section 21 to the Southeast corner of said Northwest one quarter;

thence West along the South line of the Northwest one quarter of said Section 21 to the Northeast corner of the Northwest one quarter of the Southwest one quarter of said Section 21; thence South along the East line of said Northwest one quarter of the Southwest one quarter to the Southeast corner of said Northwest one quarter of the Southwest one quarter; thence West along the South line of said Northwest one quarter of the Southwest one quarter to the Southwest corner of said Northwest one quarter of the Southwest one quarter; thence South along the West line of the Southwest one quarter of said Section 21 to the Southwest corner of said Section 21; thence South along the East line of Section 29 - Township 88 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Southeast corner of the Northeast one quarter of the Northeast one quarter of said Section 29; thence West along the South line of said Northeast one quarter of the Northeast one quarter to the Southwest corner of said Northeast one quarter of the Northeast one quarter; thence South along the East line of the Southwest one quarter of the Northeast one quarter of said Section 29 to the Southeast corner of said Southwest one quarter of the Northeast one quarter; thence West along the South line of said Southwest one quarter of the Northeast one quarter to the Southwest corner of the Southeast one quarter of the Northwest one quarter of said Section 29; thence South along the East line of the Northwest one quarter of the Southwest one quarter of said Section 29 to the Southeast corner of said Northwest one quarter of the Southwest one quarter; thence West along the South line of said Northwest one quarter of the Southwest one quarter to the Southwest corner of said Northwest one quarter of the Southwest one quarter; thence West along the South line of the North one half of the

Southeast one quarter of Section 30 - Township 88 North - Range 25 West of the 5<sup>th</sup> P.M., Iowa to the Southwest corner of said North one half of the Southeast one quarter; thence South along the East line of the Southwest one quarter of said Section 30 to the Southeast corner of the Southwest one quarter of said Section 30; thence West along the South line of said Southwest one quarter to the Southwest corner of said Section 30; thence North along the West line of said Section 30 to the Northwest corner of the Southwest one quarter of the Southwest one quarter of said Section 30; thence West along the South line of the North one half of the Southeast one quarter of Section 25 - Township 88 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Southwest corner of said North one half of the Southeast one quarter; thence West along the South line of the Northeast one quarter of the Southwest one quarter of said Section 25 to the Southwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West line of the Northeast one quarter of the Southwest one quarter of said Section 25 to the Northwest corner of said Northeast one quarter of the Southwest one quarter; thence West along the South line of the Northwest one quarter of said Section 25 to the Southwest corner of the Northwest one quarter of said Section 25; thence North along the West line of the Northwest one quarter of said Section 25 to the Northwest corner of the Southwest one quarter of the Northwest one quarter of said Section 25; thence West along the South line of the Northeast one quarter of the Northeast one quarter of Section 26 - Township 88 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Southwest corner of the Northeast one quarter of the Northeast one quarter of said Section 26; thence North along the West line of said Northeast one quarter of the Northeast one quarter to the Northwest corner of the said Northeast one quarter of the Northeast one quarter; thence West along the South line of the Southeast one quarter of Section 23 - Township 88 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Southwest corner of the Southeast one quarter of said Section 23; thence North along the West line of the Southeast one quarter of said Section 23 to the Northwest corner of the Southwest one quarter of the Southeast one quarter of said Section 23; thence West along the South line of the North one half of the Southwest one quarter of said Section 23 to the Southwest corner of the said North one half of the Southwest one quarter; thence North along the West line of said Section 23 to the Northwest corner of the Southwest one quarter of said Section 23; thence West along the South line of the Northeast one quarter of Section 22 - Township 88 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Southwest corner of the Northeast one quarter of said Section 22; thence North along the West line of the Northeast one quarter of said Section 22 to the Southeast corner of the North one half of the Northwest one quarter of said Section 22; thence West along the South line of the said North one half of the Northwest one quarter to the Southwest corner of the said North one half of the

Northwest one quarter; thence North along the West line of the Northwest one quarter of said Section 22 to the Northwest corner of said Section 22; thence West along the South line of Section 16 - Township 88 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Southwest corner of the East one half of the Southeast one quarter of said Section 16; thence North along the West line of the said East one half of the Southeast one quarter to the Northwest corner of said East one half of the Southeast one quarter; thence West along the South line of the Northeast one quarter of said Section 16 to the Southwest corner of the said Northeast one quarter; thence North along the West line of the Northeast one quarter of said Section 16 to the Northwest corner of the said Northeast one quarter; thence North along the West line of the Southeast one quarter of Section 9 - Township 88 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Northwest corner of the Southwest one quarter of the Southeast one quarter of said Section 9; thence West along the South line of the Northeast one quarter of the Southwest one quarter of said Section 9 to the Southwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West line of said Northeast one quarter of the Southwest one quarter to the Northwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West line of the Southeast one quarter of the Northwest one quarter to the Northwest corner of said Southeast one quarter of the Northwest one quarter; thence West along the South line of the Northwest one quarter of the Northwest one quarter of said Section 9 to the Southwest corner of said Northwest one quarter of the Northwest one quarter; thence North along the West line of the Northwest one quarter of the Northwest one quarter of said Section 9 to the Northwest corner of said Section 9; thence North along the West line of Section 4 - Township 88 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Northwest corner of said Section 4; thence West along the South line of Section 34 - Township 89 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Southwest corner of the East one half of the Southeast one quarter of said Section 34; thence North along the West line of the East one half of the Southeast one quarter of said Section 34 to the Northwest corner of said East one half of the Southeast one quarter; thence East along the North line of the Southeast one quarter of said Section 34 to the Northeast corner of the said Southeast one quarter; thence North along the East line of said Section 34 to the Northeast corner of said Section 34;

thence North along the West line of Section 26 - Township 89 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the Northwest corner of the Southwest one quarter of the Southwest one quarter of said Section 26; thence East along the North line of the Southwest one quarter of the Southwest one quarter of said Section 26 to the Northeast corner of said Southwest one quarter of the Southwest one quarter; thence North along the West line of the Northeast one quarter of the Southwest one quarter of said Section 26 to the Northwest corner of said Northeast one quarter of the Southwest one quarter; thence North along the West line of the Southeast one quarter of the Northwest one quarter of said Section 26 to the Northwest corner of said Southeast one quarter of the Northwest one quarter; thence East along the North line of the Southeast one quarter of the Northwest one quarter of said Section 26 to the Northeast corner of said Southeast one quarter of the Northwest one quarter of said Section 26; thence North along the West line of the Northwest one quarter of the Northeast one quarter of said Section 26 to the Northwest corner of said Northwest one quarter of the Northeast one quarter; thence East along the North line of said Section 26 to the Northeast corner of said Section 26; thence North along the West line of Section 24 - Township 89 North - Range 26 West of the 5<sup>th</sup> P.M., Iowa to the point of beginning,

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.

(Ord. 2002-1583-Jul.02 Supp.)

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

1. Relationship to Other Public Provisions. These regulations are not intended to interfere with, or abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Relationship to Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private

agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

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

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

1. Hardships. Where the Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Council shall not grant variations or exceptions to these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:

A. The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.

C. Because of the particular physical surroundings, shape 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 the regulations were carried out.

D. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

WEBSTER CITY, IOWA

CHAPTER 125

2. Conditions. In granting variations and exceptions the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(Code of Iowa, Sec. 409.14)

3. Procedure for a Variance. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(Code of Iowa, Sec. 409.14)

125.08 CHANGES AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council, provided, however, that such changes or amendments shall not become effective until after 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 Commission for study and recommendation before the hearing is held. The Commission shall forward its recommendations to the Council within thirty (30) days after which the Council shall give notice of and hold a public hearing on the proposed amendment.

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

1. Issuance of Building Permits. No building permit for construction on any lot, parcel, or tract, where a subdivision is required by these regulations, unless and until a final plat of such subdivision has been approved and recorded in accordance herewith, and until the improvements required herein have been accepted by the City.

2. Sale or Lease Without Plat. Any person who shall dispose of or offer for sale or lease any lots in the City or addition to the City, until the plat thereof has been acknowledged and recorded as provided in these regulations, shall forfeit and pay fifty dollars (\$50.00) for each lot and part of lot sold or disposed of, leased, or offered for sale.

(Code of Iowa, Sec. 409.45)

Supp. Feb-94

CODE OF ORDINANCES, WEBSTER CITY, IOWA





TITLE V - BUILDING AND PROPERTY REGULATIONS  
 ZONING, LAND USE AND SUBDIVISIONS

CHAPTER 126  
 SUBDIVISIONS - PROCEDURE

126.01 Pre-application Procedure	126.10 Referral of Preliminary Plat
126.01.1 Requirements of the Agricultural Subdivision Plat	126.11 Review of Preliminary Plat
126.01.2 Submission of Plat for Agricultural Subdivision	126.12 Action by Commission
126.01.3 Review of Agricultural Plat	126.13 Action by Council
126.01.4 Action by the Commission	126.14 Effective Period of Tentative Approval and Submission of Construction Documents
126.01.5 Action by the Council	126.15 Completion of Improvements
126.02 Requirements of the Minor Subdivision Plat	126.16 Performance Bond
126.03 Submission of Plat for Minor Subdivision	126.17 Final Plat
126.04 Referral of Minor Subdivision Plat	126.18 Requirements of Final Plat
126.05 Review of Minor Subdivision Plat	126.19 Submission of Final Plat
126.06 Action by Commission	126.20 Referral of Final Plat
126.07 Action by Council	126.21 Action by Commission
126.08 Requirements of Preliminary Plat	126.22 Action by Council
126.09 Submission of Preliminary Plat	126.23 Resubdivision of Land

126.01 PRE-APPLICATION PROCEDURE.

1. Pre-application Conference. Whenever a subdivision located within the subdivision platting jurisdiction of the City is proposed, the subdivider may meet with the City officials responsible for the administration of these regulations. The purpose of such conference is to acquaint the City with the proposed subdivision and to acquaint the subdivider with the requirements, procedures and any special problems relating to the proposed subdivision. No commitments shall be made during this conference which will be binding upon the City.

2. Sketch Plat 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.

3. Official Submission Dates. For the purpose of these regulations, the date of the meeting of the Planning and Zoning Commission at which the plat is first considered shall constitute the official submittal date of the plat.

Supp. Feb-94

126.01.1 REQUIREMENTS OF THE AGRICULTURAL SUBDIVISION PLAT. The following graphic and descriptive material is required to be provided for an agricultural subdivision plat:

1. The agricultural subdivision plat shall be prepared in conformity with the provisions of Section 355.7 of the Code of Iowa.
2. The surveyor shall record the agricultural subdivision plat and description with the County Recorder before acceptance by the City.

126.01.2 SUBMISSION OF PLAT FOR AGRICULTURAL SUBDIVISION. The surveyor shall submit a plat in accordance with the provisions of 126.01.1 and shall be filed with the Administrative Authority. Submission shall include the following:

1. Filing Fee. Set by resolution of City Council.
2. Number of Copies of Plat. one (1) copy of the recorded survey plat.

126.01.3 REVIEW OF AGRICULTURAL PLAT. The plat shall be reviewed by the Administrative Authority to determine its conformity with the aforementioned regulations and remain on file in the City Clerk's office.

126.01.4 ACTION OF THE COMMISSION. (RESERVED)

126.01.5 ACTION BY THE COUNCIL. (RESERVED)

(Section 126.01.1 - .5 added by ordinance No.94-1430)

**126.01.6 REQUIREMENTS OF A PROPERTY LINE ADJUSTMENT.**

The following descriptive material is required to be provided for a property line adjustment:

1. A sketch plat shall be filed with the Administrative Authority. It shall contain the following information:
  - A. The names, addresses and telephone numbers of the owners of the land and the developer/surveyor, if other than the Owner.
  - B. The street address or general location and legal Description of the subject property.
  - C. The present and proposed uses and zoning classifications of the subject property.

2. The sketch plat may be drawn as a freehand sketch at a legible Scale. Or, it can be depicted on a print copy of the appropriate Page of the County Auditor's Official Plat Book, which is on record In the office of the County Auditor. The sketch shall show the following:

- A. Date of document, true north arrow and scale of document.
- B. General location of the property.
- C. Location of property lines.

(Ord. 2004-1627 - Oct. 04 Supp.)

**126.01.7 SUBMISSION OF A SKETCH PLAT FOR A PROPERTY LINE ADJUSTMENT.**

The surveyor shall submit a sketch plat in accordance with the Provisions of Section 126.01.6 and shall file it with the Administrative Authority. Submission shall include the following:

- 1. Filing Fee. Set by resolution of City Council.

(Ord. 2004-1627 - Oct. 04 Supp.)

**126.01.8 REVIEW OF SKETCH PLAT FOR PROPERTY LINE ADJUSTMENT.**

The Sketch plat shall be reviewed by the Administrative Authority to Determine its conformity with the aforementioned regulations and remain on file in the City Clerk's Office.

(Ord. 2004-1627 - Oct. 04 Supp.)

**126.01.9 SKETCH PLAT APPROVAL OF A PROPERTY LINE ADJUSTMENT.**

Following such review of the sketch plat for a property line adjustment, the Administrative Authority shall either approve the sketch plat with or without specified conditions, to be accepted by the developer as a condition of such approval, or disapprove the sketch plat. The Administrative Authority will notify, in writing, the developer of his/ Her decision.

- 1. Approval of the sketch plat shall signify the general acceptability of the proposed property line adjustment with respect to compliance with the requirements of the City's Zoning Ordinance and Ordinance No. 2004-1627 and shall be deemed to be authorization to proceed with preparation of necessary instruments for conveyance of a portion of one (1) lot or parcel to the owner of an adjoining lot or parcel. A plat of survey shall be prepared for the division. One (1) copy of the plat of survey shall be prepared by an Iowa registered land surveyor and filed with the Administrative Authority before final approval may be given. A copy of said Decision shall be recorded simultaneously with any and all Instruments files with the County Recorder which transfer the Ownership of said property being divided.

Such instruments shall contain a deed restriction directing the

County Auditor to combine the portion of land described in the instrument with the adjoining tract or parcel to create a single parcel. A copy of such instrument shall be submitted for review by the Administrative Authority prior to being recorded in insure that said deed restriction is included.

2. Disapproval of the sketch plat shall signify the general Unacceptability of the proposed property line adjustment with Respect to compliance with the requirements of the City's Zoning Ordinanc and Ordinance No. 2004-1627.

(Ord. 2004-1627 - Oct. 04 Supp.)

**126.02 REQUIREMENTS OF THE MINOR SUBDIVISION PLAT.** The following graphic and descriptive material is required to be provided on a minor subdivision plat and in the accompanying material.

1. Contents of Minor Subdivision Plats. Every plat of a minor subdivision offered for record shall conform to all of the following provisions where applicable:

A. The minor subdivision plat shall be prepared in conformity with the provisions of Section 409.31 of the Code of Iowa.

B. Subdivision boundary lines, showing approximate dimensions and references to section, townships and

Supp. Feb-94

Copyright Iowa Codification, Inc.

- 490 -

range lines or corners are to be indicated with a solid heavy line. (Code of Iowa, Sec. 409.1)

C. Present streets and alleys with their right-of-ways, in or adjoining the subdivision, including dedicated widths of existing surfaces.

(Code of Iowa, Sec. 409.4 & 409.6)

D. Proposed layout of blocks and lots showing approximate dimensions, radii and the square foot areas of lots that are not rectangular, and the lot and block number in numerical order.

(Code of Iowa, Sec. 409.1 & 409.4)

E. Front yard building setback line. (Amended by Ordinance No. 96-1475)

F. A table of the following information:

- (1) Total acreage of subdivision.
- (2) Total number of lots.
- (3) Minimum, average, and maximum lot area.

G. Present and proposed easements, showing locations, widths, purposes and limitations.

(Code of Iowa, Sec. 409.9)

H. Location and names of adjoining parcels of unsubdivided and subdivided land.

I. If the proposed subdivision is in or near the area designated as flood plain by the Flood Boundary and Floodway maps of the City, boundaries of the highest known flood of record affecting the subdivision and the source of information must be stated on the plat. If the proposed subdivision is not located in the flood plain, this fact must be stated on the plat.

J. Existing blocks, lots, and any buildings within the required building setback.

K. Present and proposed utility systems including sanitary and storm sewers, other drainage facilities, and water lines. If the subdivision is within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.

(Code of Iowa, Sec. 409.14)



- L. Names and addresses of the owner, and subdivider if different than the owner, and surveyor who prepared the plat.
- M. Existing and proposed zoning of the proposed subdivision and adjoining properties, including airport zoning if applicable.
- N. A key map showing the general location of the proposed subdivision in relation to surrounding development.
- O. Elevation and/or topographic information may be required as determined by the Commission.
2. Information to Be Provided in Accompanying Material. The following material shall be submitted to the Administrative officer at least two (2) weeks prior to the Council meeting to be acted upon the following Commission action on the minor subdivision plat. If not submitted within the above time frame, the thirty (30) day consideration period shall be extended until such time as the city staff has two (2) weeks to review the accompanying material prior to a regular Council meeting.
- A. A correct legal description of the subdivision land.  
(Code of Iowa, Sec. 409.8)
- B. A certificate by the proprietor and the proprietor's spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the proprietor. This certificate must be signed and acknowledged by the proprietor and the proprietor's spouse, if any, before some officer authorized to take the acknowledgment of deeds.  
(Code of Iowa, Sec. 409.8)
- C. A complete abstract of title and a release of all encumbrances on easements and streets.  
(Code of Iowa, Sec. 409.9)
- D. A certified statement from the County Treasurer that the subdivision land is free from taxes.  
(Code of Iowa, Sec. 409.9)
- E. (RESERVED) (Amended by No. 96-1476)

Supp. Sep-96

Copyright Iowa Codification, Inc.

F. (RESERVED) (Amended by ordinance No. 96-1476)

G. An attorney's opinion showing that the fee title to the subdivision land is in the proprietor and that the land is free from encumbrances other than those secured by any encumbrance bond.

(Code of Iowa, Sec. 409.9)

126.03 SUBMISSION OF PLAT FOR MINOR SUBDIVISION. The subdivider shall submit a plat in accordance with the provisions of Section 126.02 and shall file with the Clerk an application for final approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Administrative officer with a fee of fifty dollars (\$50.00) per subdivision;
2. Number of Copies of Plat. Be accompanied by a minimum of sixteen (16) copies of the plat; and
3. Time of Submission. Be presented to the Clerk at least two (2) weeks prior to the regular meeting of the Commission. If submitted less than two (2) weeks prior to the regular meeting, the plat for a minor subdivision will be presented at the following regular meeting of the Commission.

126.04 REFERRAL OF MINOR SUBDIVISION PLAT. One copy of the plat shall be placed on file in the Clerk's office with the remaining copies referred to the Administrative Officer, who then distributes these plat copies to the appropriate persons for review.

126.05 REVIEW OF MINOR SUBDIVISION PLAT. The plat shall be reviewed by the Commission to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions.

126.06 ACTION BY THE COMMISSION. The Commission shall, upon receiving the minor subdivision plat from the Administrative officer, as soon as possible, but not more than thirty (30) days thereafter, consider the plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council together with a copy of its minutes showing the action taken by the Commission. If the Commission recommends approval of the plat, such approval and the date thereof shall be noted on the plat over the signature of the chairperson of the Commission and the plat and five (5) copies shall be transmitted to the Council, and one (1) copy shall be returned to the subdivider.

Supp. Sep-96

Copyright Iowa Codification, Inc.



1. The Commission approval of a minor subdivision plat shall be effective for a period of twelve (12) months. At the end of such time Council approval must have been obtained.

2. Any plat not receiving the final approval within the twelve (12) month period shall be considered null and void and the subdivider shall be required to resubmit the plat subject to any new zoning restrictions, subdivision regulations and current filing fees.

(Amended by Ordinance No. 96-1475)

126.07 ACTION BY COUNCIL. Upon receipt of the certification by the Commission, the Council shall, within thirty (30) days, either approve or disapprove the plat of the minor subdivision.

(Code of Iowa, Sec. 409.14 and 409.15)

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

3. Final Approval and Recording of Plat. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the 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. The subdivider shall provide six (6) copies of the plat signed and stamped as required after the plat has been accepted by the Council.

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

(Code of Iowa, Sec. 409.14)

Supp. Sep-96

Copyright Iowa Codification, Inc.

1. Contents of Preliminary Plat. The preliminary plat shall be prepared by a registered land surveyor at a convenient scale preferably of not more than one inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The following information shall be shown on the preliminary plat:

A. Title, scale, north point and date.

B. Subdivision boundary lines, showing approximate dimensions and references to section, townships and range lines or corners are to be indicated with a solid heavy line.

(Code of Iowa, Sec. 409.1)

C. Present and proposed streets and alleys with their right-of-ways, in or adjoining the subdivision, including dedicated widths and widths of existing surfaces.

(Code of Iowa, Sec. 409.4 & 409.6)

D. Proposed layout of blocks and lots showing approximate dimensions, radii and the square foot areas of lots that are not rectangular, and the lot and block number in numerical order.

(Code of Iowa, Sec. 409.1 & 409.4)

E. Front yard building setback line. (Amended by Ordinance No. 96-1475)

F. A table of the following information:

(1) Total acreage of subdivision.

(2) Total number of lots.

(3) Minimum, average and maximum lot area.

(4) Acreage of public lands to be dedicated or reserved other than streets.

G. Present and proposed easements, showing locations, widths, purposes and limitations.

(Code of Iowa, Sec. 409.9)

H. Location and names of owners having adjoining parcels of unsubdivided and subdivided land.

I. If the proposed subdivision is in or near the area designated as flood plain by the Flood Boundary and Floodway maps of the City, boundaries of the highest known flood of record affecting the subdivision and the source of information must be stated on the plat. If the proposed subdivision is not located in the flood plain, this fact must be stated on the preliminary plat.

J. Existing blocks, lots, and any buildings within the required building setback.

K. Present and proposed utility systems including sanitary and storm sewers, other drainage facilities, and water lines. If the subdivision is within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.

(Code of Iowa, Sec. 409.14)

L. Proposed name of the subdivision.

M. Names and addresses of the owner or subdivider, and surveyor who prepared the preliminary plat.

N. Description of the property being platted.

(Code of Iowa, Sec. 409.8)

O. Elevation and/or topographic information may be required as determined by the Commission.

P. Existing and proposed zoning of the proposed subdivision and adjoining property, including airport zoning if applicable.

Q. Location of all proposed monuments.

R. A key map showing the general location of the proposed subdivision in relation to surrounding development.

126.09 SUBMISSION OF PRELIMINARY PLAT. The subdivider shall prepare a preliminary plat in accordance with the provisions of Section 126.08 and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Administrative Officer together with a fee of three dollars (\$3.00) per lot, with a minimum of fifty dollars (\$50.00) per subdivision.

Supp. Sep-96

2. Number of Plats. Be accompanied by a minimum of sixteen (16) copies of the preliminary plat.
3. Time of Submission. Be presented to the Clerk at least two (2) weeks prior to the regular meeting of the Commission. If submitted less than two (2) weeks prior to the regular meeting, the preliminary plat will be presented at the following regular meeting of the Commission.

126.10 REFERRAL OF PRELIMINARY' PLAT. One copy of the preliminary plat shall be placed on file in the Clerk's office with the remaining copies referred to the Administrative officer who then distributes these preliminary plat copies to the appropriate persons for review.

126.11 REVIEW OF PRELIMINARY PLAT. The preliminary plat shall be reviewed by the Commission to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions.

126.12 ACTION BY THE COMMISSION. The Commission shall, upon receiving the preliminary plat from the Administrative Officer, as soon as possible, but not more than thirty (30) days thereafter, 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 period not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

(Code of Iowa, Sec. 409.14)

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

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

3. Documenting Approval. The action of the Commission shall be documented on eight (8) copies of the preliminary plat, referenced and attached to any conditions determined. one (1) copy shall be returned to the subdivider, two (2) copies shall be retained by the Commission, and five (5) copies shall be referred to the Council.

Supp. Sep-96

Copyright Iowa Codification, Inc.

126.13 ACTION BY COUNCIL. Within thirty (30) days of the receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be returned to the Commission for further review and the Administrative officer shall notify the subdivider of such action. If approved, the Clerk shall affix his or her signature to three (3) copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. Two (2) copies shall be returned to the Commission and one (1) copy shall be returned to the subdivider. The "Tentative Approval" by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

(Code of Iowa, Sec. 409.14)

126.14 EFFECTIVE PERIOD OF TENTATIVE APPROVAL AND SUBMISSION OF CONSTRUCTION DOCUMENTS. The tentative approval of a preliminary plat shall be effective for a period of one year, at the end of which time final approval must have been obtained. Any plat not receiving final approval within this period of time shall be void, and the subdivider shall be required to resubmit a new plat for tentative approval subject to all new zoning restrictions and subdivision regulations. However, extensions of preliminary plat approval in one (1) year increments may be granted by the Council, with recommendations by the Commission, prior to the end of the one (1) year time period provided the plat complies with current zoning and subdivision control regulations. Requests must be made, in writing, to the Administrative Officer at least two (2) weeks prior to the regular Commission meeting. Specifications and engineering construction drawings including profiles, cross sections (if requested by the City Engineering Department), and details of all public improvements shall be submitted, with the improvement plans, to the City. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards. Two (2) complete sets of improvement plans shall be submitted to the Public Works Director for approval after the preliminary plat has been approved but prior to submission of the final plat. The developer is required to provide the City with a grade ordinance for all streets. The grade ordinance must be submitted with the improvement plans. No construction shall be started prior to approval of grading and improvement plans. All grading necessary to bring the area within the street right-of-way to the proposed profiles shall be completed prior to the installation of any improvements. Prior to the start of construction, a preconstruction meeting shall be

Supp. Sep-96

Copyright Iowa Codification, Inc.

held by the developer's engineer at the Municipal Building in Webster City, Iowa. Those attending shall include the developer, developer's engineer, contractors that will do the construction work, Public works Director, utility company representatives, and other personnel deemed necessary.

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

(Code of Iowa, Sec. 409.5)

126.16 PERFORMANCE BOND. The completion requirement for improvements 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 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. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. Upon recommendation of the Commission, the Council may extend the completion date set forth in the bond for a maximum period of one additional year.

(Code of Iowa, Sec. 409.5 & 409-14)

126.17 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.

126.18 REQUIREMENTS OF THE FINAL PLAT. The following graphic descriptive material is required to be provided on the final plat and in the accompanying material.

1. Contents of the Final Plats. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:

A. The final plat shall be prepared in conformity with the provisions of Section 409.31 of the Code of Iowa.

Supp. Sep-96

Copyright Iowa Codification, Inc.

- B. Street names and clear designation of public alleys as approved by the Commission on the preliminary plat.  
(Code of Iowa, Sec. 409.4 & 409.6)
- C. Block and lot numbers. (Code of Iowa, Sec. 409.4)
- D. Name and address of owner and subdivider, if different from the owner.
- E. Accurate dimensions for any property to be dedicated or reserved for public use.

2. Information to be Provided in Accompanying Material. The following material shall be submitted to the Clerk at least fifteen (15) days prior to the Council meeting to be acted upon following Commission action on the final plat. If not submitted within the above time frame, the sixty (60) day consideration period shall be extended until such time as the City staff has two (2) weeks to review the accompanying material prior to a regular Council meeting.

- A. A correct legal description of the subdivision land.  
(Code of Iowa, Sec. 409.8)
- B. A certificate by the proprietor and the proprietor's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the proprietor. This certificate must be signed and acknowledged by the proprietor and the proprietor's spouse before some officer authorized to take the acknowledgments of deeds.  
(Code of Iowa, Sec. 409.8)
- C. A complete abstract of title and a release of all encumbrances on easements and streets.  
(Code of Iowa, Sec. 409.9)
- D. A certified statement from the County Treasurer that the subdivision land is free from taxes.  
(Code of Iowa, Sec. 409.9)
- E. (RESERVED) (Amended by Ordinance No. 96-1476)
- F. (RESERVED) ( Amended by Ordinance No. 96-1476)
- G. An attorney's opinion showing that the fee title to the subdivision land is in the proprietor and that the



land is free from encumbrances other than those secured by any encumbrance bond.

(Code of Iowa, Sec. 409.5)

H. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted with the preliminary plat, 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.

(Code of Iowa, Sec. 409.5)

I. The encumbrance bond, if any.

(Code of Iowa, Sec. 409.10 & 409.11)

J. An as built plan showing mains and service lines to individual lots including water and sanitary sewer lines. The end of each service line and locations for the tap into the main shall be shown on the plan and referred to permanent monuments. A certificate signed by the City Engineer and the subdivider's engineer verifying the location of said mains and service lines shall be attached. If a performance bond is posted in lieu of the completion of improvements prior to final plat approval, the as built plan and attached certificate must be submitted to the City before the performance bond is released.

K. All formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.

(Code-of Iowa, Sec. 409.14)

L. A statement clarifying or releasing all existing easements.

(Code of Iowa, Sec. 409.9)

126.19 SUBMISSION OF FINAL PLAT. The subdivider shall submit a final plat in accordance with the provisions of 126.18 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee of three dollars (\$3.00) per lot, with a minimum of fifty dollars (\$50.00) per subdivision.

Supp. Sep-96

Copyright Iowa Codification, Inc.

2. Number of Copies of Plat. Be accompanied by a minimum of sixteen (16) copies of the final plat.

3. Time of Submission. Be presented to the Clerk at least two (2) weeks prior to the regular meeting of the Commission. If submitted less than two (2) weeks prior to the regular meeting, the final plat will be presented at the following regular meeting of the Commission.

126.20 REFERRAL OF FINAL PLAT. One copy of the final plat shall be placed on file in the Clerk's office with the remaining copies referred to the Administrative officer who then distributes the final plat copies to the appropriate persons for review.

126.21 ACTION BY COMMISSION. The Commission shall, upon receiving the final plat from the Administrative Officer, as soon as possible, but not more than thirty (30) days thereafter, consider the final plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council together with a copy of its minutes showing the action taken by the Commission. If the Commission recommends approval of the final plat, such approval and the date thereof shall be noted on eight (8) copies of the plat over the signature of the chairperson of the Commission. Five (5) copies shall be transmitted to the Council, one (1) copy shall be returned to the subdivider, and two (2) copies shall be retained by the Commission.

(Code of Iowa, Sec. 409.14)

126.22 ACTION BY THE COUNCIL. Upon receipt of the certification by the Commission the Council shall, within sixty (60) days, either approve or disapprove the final plat.

(Code of Iowa, Sec. 409.14 & 409.15)

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

3. Final Approval and Recording of Plat. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be

Supp. Sep-96

Copyright Iowa Codification, Inc.

recorded in the office of the County Recorder 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. The subdivider shall provide six (6) copies of the final plat after the plat has been accepted by the Council, signed, and stamped as required.

126.23 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

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

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

Supp. Sep-96



WEBSTER CITY, IOWA



WEBSTER CITY, IOWA



TITLE V - BUILDING AND PROPERTY REGULATIONS ZONING, LAND USE AND SUBDIVISIONS

CHAPTER 127  
 SUBDIVISIONS - IMPROVEMENTS AND DESIGN STANDARDS

127.01	Completion of Improvements	127.14	Lots
127.02	Performance Bond	127.15	Blocks
127.03	Inspection of Improvements	127.16	Streets, General Requirements
127.04	Release or Reduction of Performance Bond	127.17	Streets, Design Standards
127.05	Maintenance of Improvements	127.18	Storm Sewers and Drainage
127.06	Deferral or Waiver of Required Improvements	127.19	Water Facilities
127.07	Issuance of Certificates of Occupancy	127.20	Sewerage Facilities
127.08	Improvements Required	127.21	Utilities
127.09	Design Standards Are Minimum	127.22	Preservation of Natural Features and Amenities
127.10	Conformance to Applicable Rules and Regulations	127.23	Nonresidential Subdivisions
127.11	Subdivision Name	127.24	School and Park Reservations
127.12	Monumentation	127.25	Improvements Within Unincorporated Jurisdiction
127.13	Character of the Land		

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

(Code of Iowa, Sec. 409.5)

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

(Code of Iowa, Sec. 409.5 & 409.14)

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

2. Completion Period. The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat shall be incorporated in the bond and shall not exceed one year from date of final approval.

3. Extension of Completion Period. The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Commission may, upon proof of difficulty, recommend to the Council extension of the completion date set forth in such bond for a maximum period of one additional year. The Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

4. Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Council and shall maintain same for the period specified by the Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

5. Failure to Complete Improvement. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

127.03 INSPECTION OF IMPROVEMENTS. The Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant 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 or certificates of occupancy shall be issued until all fees are paid. The subdivider shall furnish the engineering department with a construction schedule prior to the commencement of any and all construction, and notify the City not less than twenty-four (24) hours in advance of readiness for required inspections.

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

1. Certificate of Satisfactory Completion. The Council will not accept dedication of required improvements, nor release nor reduce a performance bond, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed "as built". plans of the subdivision indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.

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

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

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

2. Maintenance Bond. The applicant shall be required to file a maintenance bond with the governing body, prior to dedication, in an amount considered adequate by the Council and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of two (2) years after the date of their acceptance by the governing body and dedication of same to the local government.

(Code of Iowa, Sec. 409.14)

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

Copyright Iowa Codification, Inc.

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

2. Deferral of Required Improvements. Whenever it is deemed necessary by the Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements to the City prior to the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

127.07 ISSUANCE OF CERTIFICATES OF OCCUPANCY. No certificate of occupancy shall be issued until the extent of street improvement is adequate for vehicular access by the prospective occupant and by police and fire equipment.

127.08 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by these regulations in accordance with the specifications and under the supervision of the Council and to its satisfaction.

(Code of Iowa, Sec. 409.5 & 409.14)

127.09 DESIGN STANDARDS ARE MINIMUM. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

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

1. State Statutes. All applicable statutes of the State.
2. City Plans. Any comprehensive plan, public utilities plan, and capital improvements program of the City.

3. State Agency Rules. The requirements and rules of State agencies such as the State Department of Environmental Quality, State Department of Health, and the State Department of Transportation, where applicable.

4. County Standards and Regulations. The standards and regulations of the County Board of Supervisors and County Commissions, Boards, and Agencies where applicable.

5. City Standards and Regulations. The standards and regulations adopted by the Council, Boards, Commissions, and agencies of the City.

6. Plat Approval and Conformity. Plat approval may be withheld if a subdivision is not in conformance with the above guides, or policy and purposes of these regulations.

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

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

1. Establishment of Permanent Control Monuments. Prior to the offering of the plat of any subdivision for record, the surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two (2) permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of the monument.

(Code of Iowa, Sec. 409.30)

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

(Code of Iowa, Sec. 409.30)

3. Establishment and Recording of Other Monuments. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the surveyor's statement on the plat that the additional monuments required by these regulations shall be established before a specified future date.

(Code of Iowa, Sec. 409.30)

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

(Code of Iowa, Sec. 409.30)

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

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

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

5. Placement of Monument. When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the

reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

(Code of Iowa, Sec. 409-30)

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

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

1. Lot Size. Minimum lot dimensions and sizes shall conform to the requirements of the zoning regulations. (Amended by Ordinance No. 96-1475)

A. Residential lots where not served by public sewer shall be of sufficient size, as determined by the City and subject to any applicable State or County rules or regulations, to accommodate the type of private sewage disposal system proposed by the developer.

B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

C. Corner lots shall have a minimum width of sixty (60) feet in order to permit adequate building setbacks on both front and side streets.

Supp. Sep-96

Copyright Iowa Codification, Inc.

2. Street Access. Each lot shall be provided with satisfactory access to a public street.

3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

(Code of Iowa, Sec. 409.14)

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

(Code of Iowa, Sec. 409.14)

5. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(Code of Iowa, Sec. 409.14)

6. Building Lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Council may require building lines in accordance with the needs of each subdivision.

(Code of Iowa, Sec. 409.14)

127.15 BLOCKS. Blocks shall conform to the following requirements:

1. Provision for Lots. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.

(Code of Iowa, Sec. 409.4 & 409.14)

2. Design Considerations. The lengths, widths and shapes of blocks shall be determined with due regard to:

(Code of Iowa, Sec. 409.4 & 409.14)

- A. Provision for adequate building sites.
- B. Zoning requirements where applicable.
- C. Topography.
- D. Needs for convenient access, circulation, control, and safety of street traffic.

3. Block Lengths. The lengths of blocks shall be appropriate to the type of development contemplated, but block lengths in residential developments shall not exceed one thousand (1,000) feet, nor be less than three hundred (300) feet. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.

(Code of Iowa, Sec. 409.4 & 409.14)

4. Easement Reservation. In blocks over eight hundred (800) feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities, or pedestrian traffic.

5. Pedestrian Crosswalks. Pedestrian crosswalks, not less than ten (10) feet wide, may be required by the Council through the center of blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve percent (12%) in grade unless steps of an approved design are to be constructed.

(Code of Iowa, Sec. 409.14)

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

1. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.

(Code of Iowa, Sec. 409.14)

2. Grading and Improvement Plan. Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.

(Code of Iowa, Sec. 409.5 & 409.14)

3. Topography and Arrangement. Streets shall be in conformance with the following requirements related to topography and arrangement:

A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

(Code of Iowa, Sec. 409.5)

B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.

(Code of Iowa, Sec. 409.4)

C. All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(Code of Iowa, Sec. 409.14)

D. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(Code of Iowa, Sec. 409.14)

E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(Code of Iowa, Sec. 409.5 & 409.14)

F. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of

rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(Code of Iowa, Sec. 409-14)

4. Access to State or County. Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.

(Code of Iowa, Sec. 306.4)

5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:

(Code of Iowa, Sec. 409.14)

A. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.

B. A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.

C. A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

6. Street Names. Streets that are in alignment with others already existing shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council and Commission.

7. Street Name Signs. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street name signs. The applicant shall deposit with the City at the time of final subdivision approval, the estimated cost of installation of each street sign required by the Council.

(Code of Iowa, Sec. 409.14)

Copyright Iowa Codification, Inc.

8. Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the Council. The type and location of all street lighting shall be approved by the Council. The City shall install all street lights. The applicant shall deposit with the City, at the time of final subdivision approval, the estimated cost of installation of each street light required by the Council.

(Code of Iowa, Sec. 409.14)

9. Construction of Streets and Dead-End Streets. Streets and dead-end streets shall be in conformance with the following requirements:

A. Construction of Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the, design standards of these regulations.

(Code of Iowa, Sec. 409.4 & 409.14)

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

(Code of Iowa Sec. 409.14)

Copyright Iowa Codification, Inc.

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

1. General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties the following design standards for streets are hereby required:

(Code of Iowa, Sec. 409.14)

A. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on municipal arterial and municipal collector streets, and seventy-five (75) feet on municipal service streets.

B. 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 one hundred (100) feet for municipal service and municipal collector streets, and of such greater radii as the Council shall determine for special cases.

C. Minimum Roadway and Right-of-Way Standards:

(1) Municipal arterial streets shall have a right-of-way width of not less than eighty (80) feet and a roadway width of less than forty-eight (48) feet.

(2) Municipal collector streets shall have a right-of-way width of not less than sixty (60) feet and a roadway width of not less than thirty-six (36) feet.

(3) Municipal service and frontage streets shall have a right-of-way of not less than sixty (60) feet and a roadway width of not less than thirty (30) feet.

(4) Cul-de-sacs shall meet all the requirements for a municipal service street and, in addition, shall provide a turnaround with a right-of-way radius of fifty (50) feet and a roadway radius of forty (40) feet. No cul-de-sac shall exceed five hundred (500) feet in length.

Copyright Iowa Codification, Inc.

(5) The width and thickness of paving in commercial and industrial districts shall be approved by the City Engineer and Council. The expense of extra pavement width and thickness necessary to provide access to a subdivision in a commercial or industrial district shall be paid by the subdivider.

D. Street grades, wherever feasible shall not exceed the following:

- (1) Municipal arterial streets - six percent (6%).
- (2) Municipal collector streets - eight percent (8%).
- (3) Municipal service streets - ten percent (10%).
- (4) Frontage streets - six percent (6%).

E. All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty (20) times the algebraic difference in percentages of grade.

F. No street grade shall be less than one half (1/2) of one percent.

2. Street Surfacing and Improvements. After sewer, water and -other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be as set out in the City construction standards and specifications. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, ; and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. (Amended by Ordinance No. 96-1461)

(Code of Iowa, Sec. 409.14)

3. Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one (1).

.(Code of Iowa, Sec. 409.14)

Supp. Mar-96

4. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

(Code of Iowa, Sec. 409.14)

A. In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

B. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5. Intersections. The following standards shall apply to the design of intersections:

(Code of Iowa, Sec. 409.14)

A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Council.

B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of

less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

C. Minimum curb radius at the intersection of two (2) municipal service streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a municipal collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

D Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

F. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

G. Curbs constructed along any public street in the State, when the street is paralleled or intersected by sidewalks, or when City ordinances or other lawful regulations will require the construction of sidewalks in parallel to or intersecting the street, shall be constructed with not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch rise per eight inches lineal distance may be used where necessary, shall have a

non-skid surface, and shall otherwise be constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

(Code of Iowa, Sec. 601D.9)

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

(Code of Iowa, Sec. 409.14)

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

(Code of Iowa, Sec. 409.6 & 409.14)

A. Alleys shall be prohibited in residential districts.

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

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

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

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

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

(Code of Iowa, Sec. 409.14)

A. Street systems in new subdivisions shall be laid out so, as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivider's own subdivision boundaries.

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

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

1. General Requirements. The Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods as approved by the Council, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(Code of Iowa, Sec. 409.14)

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

(Code of Iowa, Sec. 409.14)

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

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

C. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by applicable zoning regulations. All storm sewer pipes shall be at least fifteen (15) inches in diameter. If the City deems it necessary to install storm sewers larger than required to provide adequate drainage from the subdivision, the increased cost will be paid by the City.

D. The Council shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the

additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the Council shall determine. No subdivision shall be approved unless adequate drainage, will be provided to an adequate drainage watercourse or facility.

(Code of Iowa, Ch. 455A)

E. The Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.

F. Field tiles that are in use and found damaged or damaged during construction shall be repaired at no expense to the City.

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

(Code of Iowa, Sec. 409.14)

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

B. Drainage easements:

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

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

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

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

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

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

(Code of Iowa, Sec. 409.14)

A. Where a public water main is accessible the subdivider shall install adequate water facilities, including fire hydrants, subject to City specifications. All water mains shall be at least six (6) inches in diameter.

B. Water main extensions shall be approved by the City.

C. To facilitate the above, the location of all fire hydrants will be determined by the City. Hydrants, hydrant fees and hydrant valves to be furnished by the City and installed by the subdivider.

2. Individual Wells and Central Water Systems. The following requirements shall apply to the provision of individual wells and central water systems.

(Code of Iowa, Sec. 409. 14)

A. In the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an

Copyright Iowa Codification, Inc.

adequate supply of potable water will be available to every lot in the subdivision. water samples shall be submitted to the appropriate County or State agency for testing, and individual wells and central water systems shall be approved by the appropriate County or State health authorities. Orders of approval shall be submitted to the Council.

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

3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of this section. Fire hydrants shall be located at every street intersection and no more than 600 feet apart. (Amended by ordinance No. 94-1433)

127.20 SEWERAGE FACILITIES. Sewerage facilities shall be provided as follows:

1. General Requirements. The applicant shall install sanitary, sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the City and the State, Department of Natural Resources or State Department of Health. Plans shall be approved by the above agencies.

(Code of Iowa, Sec. 409.14)

2. Construction of Sanitary Sewerage Systems. Sanitary sewerage systems shall be constructed as follows:

(Code of Iowa, Sec. 409.14)

A. Where a public sanitary, sewerage system is reasonably accessible the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.

B. Where public sanitary sewerage systems are not reasonably accessible but will become available within a reasonable time, not to exceed fifteen (15) years, the applicant may choose one of the following alternatives:

Supp. Jul-94

Copyright Iowa Codification, Inc.

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

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

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

D. All sanitary sewer mains shall be at least eight (8) inches in diameter.

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

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

(Code of Iowa, Sec. 409.14)

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

1. Location. All utility facilities, including, but not limited to gas, electric power, telephone, and CATV cables shall be located underground throughout the subdivision. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. The rate for installation charges will be established by the Council.

(Code of Iowa, Sec. 409.14)

2. Easements. Easements shall be provided as follows:

(Code of Iowa, Sec. 409.14)

A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least fifteen (15) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least fifteen (15) feet in width shall be provided along side lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

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

127.23 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 purposes, the layout of the subdivision with respect to such land shall make such provision as the Council may require. A nonresidential

subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Council, and shall conform to the proposed land use and standards established in City plans and regulations.

(Code of Iowa, Sec. 409.14)

2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(Code of Iowa, Sec. 409.14)

A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

C. Special requirements may be imposed by the city with respect to street, curb, gutter, and sidewalk design and construction.

D. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.

E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

127.24 SCHOOL AND PARK RESERVATIONS. If land to be subdivided contains sites that are designated in City plans or plans of other public bodies to be used for schools or parks, the

developer shall reserve such site for such use. If sites which have been reserved are not acquired by the City or other public body within two (2) years of the date of the preliminary plat approval, then such sites may be subdivided by the developer. The appropriate public body may release the reserved site sooner by certifying to the Council that it does not intend to acquire such site within the two (2) year period.

127.25 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION. Improvements in the two (2) mile unincorporated area under the jurisdiction of these regulations shall be the same as required herein, provided they are not less than that required by the applicable County subdivision regulations, and provided further that all construction plans shall be approved by the County, and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

WEBSTER CITY, IOWA

WEBSTER CITY, IOWA

WEBSTER CITY, IOWA

Copyright Iow.a.Codification, Inc.

- 537 -

