

✓ Mark Nitchals
City Administrator
City of Winterset
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Winterset IA 50273

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MICKI UTSLER
RECORDER
LADRON COUNTY, IOWA

CERTIFICATION

Chapter 10 of Title 4 of the Winterset City Code relating to the division of land and establishing the area of review.

The undersigned, being the duly appointed and acting City Clerk of the City of Winterset, Iowa, does hereby certify that attached is a true and authentic copy of the above described document, that said document is a true and authentic copy of the official records in the custody of the City Clerk of the City of Winterset, Iowa.

Dated this 21st day of January, 2003.



Mark Nitchals
Mark Nitchals
City Clerk
City of Winterset, Iowa

CHAPTER 10 SUBDIVISION

4.1001	TITLE
4.1002	JURISDICTION
4.1003	DEFINITIONS
4.1004	PROCEDURE
4.1005	SUBDIVISION DESIGN STANDARDS
4.1006	LAND SUITABILITY
4.1007	IMPROVEMENTS
4.1008	MINOR SUBDIVISIONS
4.1009	PRELIMINARY PLAT REQUIREMENTS FOR MAJOR SUBDDIVISIONS
4.1010	FINAL PLAT REQUIREMENTS FOR MAJOR SUBDIVISIONS
4.1011	VARIANCES
4.1012	FEES
4.1013	ENFORCEMENT
4.1014	COMMISSION REGULATIONS

4.1001 TITLE. These regulations shall be known as the Subdivision Ordinance of Winterset, Iowa, and shall also be known as Title IV, Chapter 10 of the Winterset Municipal Code of 1992.

4.1002 JURISDICTION AND PURPOSE. This Chapter governs the subdivision of all lands within the corporate limits of the City and in an area within two miles outside the corporate limits to the full extent provided by Chapter 354 of the Code of Iowa.

A. Exclusions: The provisions of this chapter shall not apply to:

1. Mortgages, easements or leases for a term not to exceed ten years
2. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the abutting lots are not reduced below the minimum sizes required by this ordinance or the zoning ordinance.

B. Purpose: To provide for the health, safety and general welfare of the city; to provide efficiency in the provision of municipal infrastructure and to provide for the overall quality of life.

4.1003 DEFINITIONS. For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word "shall" is mandatory, and the word "may" is permissive.

Architect:

An architect is a registered architect authorized to practice architecture as defined by the laws of the State of Iowa.

Block:

An area of land within a subdivision that is entirely bounded by streets, highways, parks, railroad or similar fixed land division and/or exterior boundaries of the subdivision.

Collector Streets:

Those streets which carry traffic from minor streets to the major system of arterial streets and highways including the principal entrance streets of a residential development and streets for circulation within such a development.

Commission:

The Planning and Zoning Commission of Winterset, Iowa.

Council:

The City Council of Winterset, Iowa.

Cul-de-sac:

A short, minor street having one end open to motor traffic; the other end being permanently terminated by a vehicular turnaround.

District:

A section or sections of land area depicted on the Official Zoning Map as provided by the zoning regulations governing the use of buildings and land within the City.

Easement:

A grant by the property owner of the use, for a specific purpose, of an area of land by the general public, a corporation, or a certain person or persons, and within the limits of which the land owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to the terms of such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove vegetation that interferes with the use of such easements.

Engineer:

An Engineer is a Registered Engineer authorized to practice engineering as defined by the laws of the State of Iowa.

Frontage Street:

A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic, with limited access to the major thoroughfare.

Loop Lane Street:

A short, minor one-way directional street within a residential subdivision having one traffic lane and one parking lane for vehicles which connects to a Collection Street and which is dedicated to the City.

Lot:

A tract of land represented and identified by number or letter designation on an official plat.

Maintenance Bond:

A surety bond or cash deposit made out to the city in an amount equal to the full cost of the improvements which are required by this chapter, as estimated by the city engineer, and the surety bond or cash bond being legally sufficient to secure to the city that all work against defective workmanship and materials is guaranteed for a period as specified in this chapter and any attached conditions

Performance Bond:

A surety bond, cash deposit or irrevocable bank letter of credit made out to the City of Winterset in an amount equal to the full cost of the improvements which are required by this Chapter, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this Chapter and any attached conditions.

Plat:

A subdivision plat that meets the requirements of Chapter 409A of the Code of Iowa and this Chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

Recreational Trail:

Any road, path, or way specifically designed to accommodate recreational non-motorized travel, regardless of whether such facilities are designated for the exclusive use of recreational trails or are to be shared with other transportation modes.

Roadway:

That portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

Street:

A public thoroughfare which affords the principal means of access to the abutting property.

Subdivider:

The term "subdivider" means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.

Subdivision:

A tract of land divided into two or more lots each of twenty acres or less in size.

Minor Subdivision:

A tract of land divided into four lots or less within a five year period, and which division does not include or require any new public streets or municipal infrastructure.

Major Subdivision:

The dividing of any tract which is not a Minor Subdivision and which is prepared and reviewed according to the preliminary and final plat procedures of this chapter.

Surveyor:

A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa.

4.1004 PROCEDURE. In obtaining the final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat and a final plat in accordance with the following order and procedure:

A. The subdivider shall first arrange a meeting with the Zoning Administrator for pre-application coordination as provided for in 4.1009,A.

B. The subdivider shall prepare and file with the Zoning Administrator eight copies of a preliminary plat conforming in detail to the requirements set forth in this Chapter. Eight copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City.

C. The Zoning Administrator shall forthwith refer two copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the County Zoning Administrator shall refer two copies of the preliminary plat to the City Planning and Zoning Commission.

D. The Zoning Administrator shall carefully examine said plat as to its compliance with the laws and ordinances of the City, the existing street system, good engineering practices, and shall as soon as possible, submit his findings in duplicate to the Commission. If deemed necessary, the Zoning Administrator may refer the preliminary plat to a registered engineer and others as necessary to the case for findings and recommendations.

E. After receiving the Zoning Administrator's report, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The Commission shall approve, approve conditionally or reject the preliminary plat.

F. Before approving a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, with notification to those parties as determined by the Planning and Zoning Commission.

G. After the Commission approves a preliminary plat, the subdivider shall complete the final plat and of any detailed construction drawings and specifications for the improvements required under this Chapter.

H. Before submitting the final plat to the Commission for approval, the subdivider shall furnish the Zoning Administrator all plans and specifications required by Section 4.1008 of this Chapter necessary for the construction of the improvements required under this Chapter. These plans and specifications shall be endorsed by a engineer certifying them to be in compliance with all state and city regulations.

I. The final plat shall be filed in duplicate with the Zoning Administrator. The final plat shall be accompanied by the documents required by Chapter 354 of the Code of Iowa and this Chapter. In addition, the subdivider shall include either the engineer's certificate that all improvements required by this Chapter have been installed in accordance with the approved plans and specifications or the bond required by Section 4.1006 of this Chapter.

J. The Commission shall then consider the final plat and accompanying documents. If the final plat is approved by the Commission, the Commission shall submit their recommendations to the Council together with a certified copy of a resolution showing the action of the Commission.

K. The Council shall then consider the final plat and all matters related thereto. In considering the final plat, the Council shall assure that the proposed development conforms to the standards and conditions of state and city law and to the city's Comprehensive Plan. The council shall approve, approve conditionally or reject the final plat within ninety days after receipt of the Plan commission's resolution on the plat. If approved, the Council shall cause the resolution approving the plat to be certified as provided by law.

L. If the plat is approved by the Council, the subdivider shall cause such plat to be recorded in the Office of the County Recorder as provided in Chapter 354 of the Code of Iowa and shall file written evidence with the City Administrator's office before the city shall recognize the plat as being in full force and effect.

M. Plats In Unincorporated Areas. The provisions of this chapter shall apply to all proposed plats within two miles of Winterset's city limits, as they existed at the time such plat is proposed. In reviewing all such plats the city shall consider the plat's compliance with the city's Comprehensive Plan and shall not approve any such plat which is in substantial conflict with said Comprehensive Plan. The city Planning Commission, with council approval, may waive its right to review such plat if it determines by specific written report that the nature of such plat is such that city planning, growth or other city development interests are clearly not affected by the proposed plat. If the review of such plat under this chapter is waived by the Council, the city shall notify the County Zoning Administrator in writing of this action. No plat as defined by this chapter shall be considered final and eligible for recording in the county recorder's Office unless it is accompanied by a resolution from the City Council indicating city approval or conditional approval or evidence of the city's waiver of review.

4.1005 SUBDIVISION DESIGN STANDARDS. 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 a plat, the subdivider should use standards consistent with the site conditions to assure an economical, pleasant and durable neighborhood.

A. BLOCKS

No block shall be longer than 1,320 feet.

B. EASEMENTS

Ten (10) feet on each side of a lot line or twenty (20) total feet shall be provided for along the rear or side of lot lines for easements for utilities.

Whenever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall whenever possible not disturb the natural watercourse. In the event it is deemed necessary by the subdivider to disturb or change the water course in any way, then the subdivider shall comply with all federal, state and local laws and regulations and shall at their expense submit to the Commission for its approval a plan showing compliance therewith. The subdivider shall dedicate to the City an easement along each side of the stream or other drainage course. Such easements shall be for the purpose of widening, improving, maintaining or protecting the function of the stream or watercourse. The width of such easement shall be consistent with the Comprehensive Plan or County Drainage District Plan if applicable. The minimum width of such easements shall include the stream course and be not less than forty feet back from the top of each stream bank, or forty feet each way from the center line of a drainage way identified as such by the Plan commission.

C. LOTS

1. Corner lots shall be not less than twenty feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.
2. Double frontage lots other than corner lots shall be avoided.
3. Each lot shall be provided with access to a public street.
4. Each lot shall be provided with not less than forty feet (40') of access frontage to a public street, except for lots fronting on a cul-de-sac radius.
5. No lot shall be less in size or shape than that required to provide an adequate building site in compliance with the Chapter 12 of this Title.

6. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

Lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of 120 feet, measured at the setback line, and an area of not less than 20,000 square feet or the minimum permitted by the Chapter 12 of this Title, whichever is the larger. However, in such cases the subdivider shall submit with the preliminary plat soil percolation test results for each lot showing each lot to be of sufficient size and otherwise suitable for a septic tank system meeting state and county sanitary codes.

7. Side lot lines where possible shall be at right angles or radial to the street lines.

D. SURVEY MONUMENTS

Survey Monuments shall be placed at block corners, point of curves, and change in direction along lot lines and at each lot corner in accordance with city specifications.

E. STREETS AND RIGHTS-OF-WAY

1. Alleys

Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. A special exception may be granted for alleys in residential areas. Dead end alleys shall be provided with a means of turning around at the dead end.

2. Circulation

The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or un-subdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround shall be required by the City.

3. Comprehensive Plan

All proposed plats and subdivisions shall conform to the Comprehensive Plan.

4. Continuation of Existing Streets

Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) to adjoining property at equal or greater width, but not less than sixty-six (66) feet in width, and in similar alignment, unless variations are recommended by the Commission.

5. Cul-de-sac

Whenever a cul-de-sac is permitted, such street shall comply with sound engineering design and planning standards and be approved by the City. Cul-de-sac length shall be in accord with the conditions of the topography, and the permitted length shall be determined based on the relationship to the location of planned future streets shown in the Comprehensive Plan.

6. Dedication

Streets shall be dedicated to the city, and other land incident to the subdivision shall be dedicated in the manner prescribed by Chapters 409A and 354 of the Code of Iowa.

7. Half Streets

Dedication of half streets is hereby prohibited.

8. Major Streets

When a new subdivision, except where justified by limiting conditions, involves frontage on an arterial street or state highway with an annual average daily traffic (AADT) count of 10,000 or more recorded by the Iowa Dept of Transportation, the street layout shall provide vehicle access to such street or highway by means of a frontage or other collector street system.

9. Physical and Cultural Features

In general, streets shall be platted with appropriate regard for topography, watercourses, wooded areas, public and institutional areas and other natural features which would lend themselves to attractive treatment and avoidance of disruptive effects of streets and traffic.

10. Street Grades

Streets and alleys shall be completed to grades which have been officially determined or approved by the City. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six per cent for primary and secondary streets, or ten per cent for collector or minor streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary by the City; for secondary and minor streets, fifteen times. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the City.

11. Street Intersections

Street intersections shall be as nearly at right angles as possible.

12. Street Names

All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall be subject to the approval of the City in order to avoid duplication or close similarity of names; and proposed street names shall also be reviewed by the county 9-1-1 authorities for the same purpose.

13. Street Widths

The normal standard for right-of-way width shall be 66 feet wide. Cul-de-sac streets may qualify for a variance in right-of-way width of not less than 50 feet, depending upon the circumstances of topography, housing density, parcel configuration and any other planning and development factor as judged by the Planning Commission and City Council. Any street, other than a collector or arterial street in the R-1 Low Density Residential Zoning District having twelve (12) or fewer platted lots fronting on such street may have a minimum right-of-way width of fifty (50) feet. Streets that are a part of an industrial park shall have a right-of-way width of at least 80 feet. The City may require any other right-of-way to be wider than 66 feet based on known plans or other land use or traffic factors requiring a right-of-way wider than the normal standard. The right-of-way width for the Loop Lane Street shall be at least thirty-five (35) feet.

14. Loop Lane Street

A loop lane within a residential subdivision shall access no more than twelve (12) lots with a total length not to exceed three hundred (300) linear feet measured along the median center from the Collector Street. The loop lane shall have an inside radius of not less than thirty-five (35) feet from the median center. The median shall be either owned by a Homeowner's Association created under the Iowa Horizontal Property Regime Act or shall be dedicated to the City subject to the City's approval thereof. The median under a Homeowner's Association ownership may be subject to a dedicated public easement over, along, or under the median area for utilities.

15. Recreational Trail

A recreation trail shall be designed to comply with the current standards of the Urban Design Standards Manual as published by the Urban Standards and Specifications Committee of the Des Moines Metropolitan area as the manual now and hereafter provides.

F. Plats Adjacent To Streams

For any proposed plat which includes the shoreline of Cedar Creek, Cedar Lake or the Middle River and any land within 400 feet of the ordinary high water shoreline of these water bodies, the following standards for the preservation of open space and protection of environmental resources shall apply:

1. Natural shorelines and stream courses shall not be changed.
2. The natural ground surface shall not be hard surfaced or altered in any other way that would cause erosion or accelerate the runoff of surface water.
3. Healthy trees over four inches in diameter at a point four feet above the ground and within 400 feet of the above shorelines shall not be removed or killed as a part of subdivision development.
4. Flood Prone lands or wetlands shall have a permanent easement placed upon them prohibiting the placement of any structures, fill, drainage, or permanent storage of any material.
5. Any development or land disturbance in excess of 1000 square feet on slopes of seven percent or greater shall install a silt fence or other soil retention device to contain soil washing from the disturbance site.
6. No regulation in this section is intended to prohibit land and water management practices which are a part of a Drainage District Plan approved by the County Soil and Water Board and by the City Council.
7. If proposed land development requirements are such that variances from the terms of this chapter are granted, then reasonable measures shall be implemented to mitigate any adverse effects of such variance, with such mitigation measures determined by the city in cooperation with the land owner.

4.1006 LAND SUITABILITY. No land that falls under the jurisdiction of this ordinance shall be approved as a major or minor subdivision which is determined to be unsuitable for the proposed use by the zoning administrator and the Planning and Zoning Commission because of substantial conflict with the Comprehensive Plan, and specifically, for reasons of flooding, inadequate drainage and wetland conditions, severe erosion potential, excessively steep topography, inadequate drinking water supply, inadequate waste water disposal capabilities, significant potential for contamination of surface waters and drinking water supplies, conflicts with existing or planned parks, airports, agricultural activities, or other planned improvements or features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.

In applying the provisions of this section, the Zoning Administrator and the Planning and Zoning Commission shall base its decision upon a written finding of fact upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability. Thereafter, the Planning and Zoning Commission may affirm, modify or withdraw its determination of unsuitability.

4.1007. IMPROVEMENTS. The Subdivider shall install and construct all improvements required by this Chapter as provided by this Chapter. All required improvements should be installed and constructed in accordance with the specifications and under the supervision of the City and to its satisfaction. The Subdivider shall warrant, by way of a maintenance bond, the design, material and workmanship of such improvements and their installation and/or construction for a period of four (4) years from and after acceptance by the City. The subdivider's engineer shall certify, in writing, to the city that all required improvements meet engineering standards and that all such improvements were constructed and installed in compliance with all standards of this ordinance and any other conditions imposed by the city. The city Zoning Administrator shall conduct an inspection of the final improvements with the subdivider's engineer prior to the engineer's certification to confirm said compliance.

The City Council shall approve by resolution either the installed improvements after certification by the subdivider's engineer or approve a performance bond at the time of acceptance of the final plat. The Zoning Administrator, with the assistance of an engineer if necessary, shall report to the City Council that all the required improvements have been installed to the City's specifications and requirements. Alternatively, the subdivider shall submit to the City the performance bond in an amount not less than one hundred twenty-five per cent (125%) of the cost of the required improvements not then installed all as determined by the City Engineer. The performance bond may be secured and guaranteed by a corporate surety authorized to issue such bonds by and in the State of Iowa or by an irrevocable bank letter of credit issued by a state or federally chartered bank authorized to issue such letters in the State of Iowa with the bank serving as the surety and the performance bond signed both by the Principal and the Surety.

Upon the recommendation of the Commission, the Council may postpone the installation of any of the improvements if the subdivider will post a performance bond with the City prior to final acceptance of the plat guaranteeing that improvements not completed will be constructed within an approved period of time 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. Such postponement shall be based upon good cause and special circumstances. Improvements will be accepted only after their construction has been completed, and no city funds or services will be expended in the subdivision for these deferred improvements until such improvements have been completed and accepted by the City. Any postponed improvements shall be completed within eighteen months of posting the performance bond with the City Clerk.

The subdivider may divide the preliminary plat for an entire tract to be subdivided into numbered preliminary segments. Thereafter, the subdivider shall file final plats for each such segment. The plan for the entire tract encompassed by the preliminary plat shall meet the approval of the Commission in the manner provided by this Chapter prior to acceptance of any final plat. A numbered segment shall include all adjoining right-of-way areas to be dedicated according to the preliminary plat. The numbered final plats will be filed in the order provided by the approved preliminary plat in accordance with this Chapter.

Changes in said preliminary plat may be made from time to time by the subdivider upon the approval of the Commission. The provisions of this Chapter regarding construction and/or installation of improvements shall apply to each numbered final plat and the subdivider shall comply with said provisions as to each numbered final plat prior to final acceptance thereof.

The Council may waive the requirements of this Chapter for the construction and installation of some or all of the improvements in cases of re-subdivisions where only the size, shape and arrangement of the lots is being changed; provided however, such waiver shall be limited to existing improvements in good repair as determined by the City. Improvements not existing or in poor repair shall meet the City's specifications prior to acceptance.

A. All Improvements

All plans, specifications, installation and construction required by this Chapter shall be subject to the review, approval and inspection by the City. The city shall have the right to stop the construction of any improvement which is not being constructed in accordance with approved specifications and conditions approved by the city. The subdivider shall furnish the City with a construction schedule prior to commencement of any and/or all construction.

B. Drainage

All subdivisions shall include storm drainage plans for the removal of storm waters by way of a storm sewer system and necessary appurtenances. Such plans shall be prepared by the subdivider's Engineer and subject to city review and approval. The following criteria shall be considered minimum standards:

1. Runoff for street and limited area drainage shall be determined by the rational method.
2. Storm frequency chart for determination of rainfall intensity shall be not less than ten years.
3. The system shall be designed with the use of materials, flow velocities and sizes so as to assure long life, low maintenance and self-cleaning of the drainage facilities.
4. The subdivider's Engineer shall upon the completion of construction certify to the City that the drainage facilities have been constructed and installed in accordance with the plans and specifications which have been designed to comply with the intent of this Chapter.
5. In addition to the storm drainage to handle surface water runoff, storm drains shall be made available to each lot for drainage of sump pump discharge or footing drains. These storm drains shall be for subsurface clean water and shall connect to the storm sewer system, if available.

6. For subdivisions in the R-1 Low Density Residential Zoning District, storm sewer systems are not required, and the foregoing standards in paragraphs 1 to 5 are waived and replaced by on-site storm water retention and detention measures and erosion and sedimentation control measures as recommended by the subdivider's engineer and approved by the city. All such measures will be shown on the preliminary plat and will be made conditions of final plat approval. Natural drainage channels and courses shall not be developed or encroached upon so as to allow for natural drainage. The minimum non-disturbance distances shall be fifty (50) feet from the center line of a drainage swale and one hundred (100) feet back from the ordinary high water line of any flowing stream, except that all subdivision development is prohibited within the 100 year flood limits of any stream. The Roadways crossing such drainage channels shall have adequate sized culverts as specified by the subdivider's engineer. Adequate on-site drainage measures shall be planned and constructed so as to minimize the amount of new drainage waters in excess of previous natural conditions that would flow beyond the boundary of a proposed subdivision.

C. Gas

Gas Mains shall be installed underground by the franchisee gas utility. Natural gas will be required in all subdivisions where available.

D. Paving

Concrete pavement shall be designed by the subdivider's Engineer in accordance with the standard specifications established by the City.

The minimum roadway paving width shall be twenty-nine (29) feet wide unless the City requires a greater width. The minimum roadway paving width for alleys shall be sixteen (16) feet. The loop lane shall have a minimum roadway paving width of twenty (20) feet. The developer's Engineer shall at the completion of construction certify to the city that the pavement has been constructed and installed in accordance with the plans and specifications.

Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the City.

For subdivisions in the city's R-1 Low Density Residential Zoning District, the foregoing paving and curb and gutter requirements may be subject to variance by the City for cul-de-sac and local roadways. The following requirements shall apply to such private roadways:

A registered engineer authorized to practice engineering in the State of Iowa must design all roadways. The roadway shall be designed to comply with the Standards of the Geometric Design of Highways and Streets 2001, Fourth Edition published by the American Association of State Highway and Transportation Officials (AASHTO). The roadway shall have a minimum of 24' traveled roadway width and a graded shoulder width of 2' on each side of the traveled roadway. Storm water drainage may be accomplished without the use of curb and gutter. The roadway surface shall be drained away from the roadway. Upon completion of the roadway the engineer shall submit a letter certifying the construction of the roadway according to the design standards. The letter shall be submitted prior to the acceptance of the final plat.

E. Sewer

Where a public sanitary sewer is reasonably accessible, the subdivider shall connect to the sanitary sewer main and provide each lot in the subdivision with connection to the sewer. Sanitary sewer lines shall be designed by the subdivider's Engineer in accordance with the standard specifications established by the City. Further, where the existing sewer may be reasonably extended through the subdivision at a greater depth and/or with a larger diameter pipe so as to provide for continuous future development, such installation shall be made by the developer and the additional cost shall be divided between the city and the subdivider based upon a negotiated cost share considering the circumstances of each development project.

All house service lines shall be installed to the right-of-way line prior to paving of the street. Service lines shall have a minimum diameter of four (4) inches and be made available to each lot. The end of these service lines shall be marked on the ground surface by a wooden or metal stake substantial enough to remain in place until the lot is developed.

Any plat that cannot reasonably be served by public sewer shall be eligible for the installation of an on-site wastewater disposal system. The subdivider shall show results of soil percolation tests made by the Engineer preparing the plat and show evidence that County sanitary permits can be issued for the soils in such subdivision. Such tests shall be in accordance with federal, state and local requirements. The Engineer shall furnish the City with three certified copies of as-built plans for such systems and certify that the facilities have been installed in accordance with his plans and specifications and permit standards. As-built plans shall specifically show service line locations.

F. ELECTRICITY

Electrical main lines with accessory equipment shall be installed available to each lot in compliance with City standards and procedures.

G. TELEPHONE

Telephone main lines with any accessory equipment shall be installed available to each lot in compliance with the telephone franchisee standards and procedures.

H. CABLE TELEVISION

Cable television lines with any accessory equipment shall be installed available to each lot in compliance with the cable television franchisee standards and procedures.

I. Water Lines

Where a public water main is accessible, the subdivider shall connect to such water main and provide a water connection for each lot, extended to the right-of-way line prior to the paving of the street. The end of this line shall be marked on the ground surface by a wooden or metal post substantial enough to remain in place until the lot is developed. Water lines shall be designed by a Registered Engineer in accordance with the standard specifications established by the City. Water line construction and specifications shall conform to any requirements and plans of the Board of Trustees of the Winterset Municipal Utilities.

The subdivider's Engineer shall furnish the City with three certified copies of as-built plans and certify that the facilities have been installed in accordance with his plans and specifications.

As-built plans shall specifically show service line stub locations. Where a proposed water main may reasonable be extended through the subdivision at a larger size so as to provide for future development, such installation shall be made by the developer and the additional cost shall be divided between the subdivider and the city based upon a negotiated cost share considering the circumstances of each development project.

J. Recreation Trail

A recreation trail shall be designed to comply with the current standards of the Urban Design Standards Manual as published by the Urban Standards and Specifications Committee of the Des Moines Metropolitan area as the manual now and hereafter provides. The property upon which a recreational trail is located shall be either owned by a Homeowner's Association created under the Iowa Horizontal Property Regime Act or shall be dedicated to the City subject to the City's approval thereof.

4.1008 MINOR SUBDIVISIONS. Minor subdivisions shall, except as otherwise provided in this section, be exempt from the plat review and approval procedure for preliminary and final plats; but the following procedures and requirements shall apply to minor subdivision plats:

A. Purpose.

The purpose of a minor subdivision procedure is to provide a more expedient process for reviewing small divisions of land having less land development impact and having no requirements for public streets or municipal infrastructure as a part off such land division as compared to major subdivisions requiring the full preliminary and final plat procedures as specified under this ordinance.

B. Procedure.

The subdivider shall consult with the zoning administrator and shall submit three copies of a sketch plat which contains all information required in Section 4.1007, A. and drawn as a certified survey by a licensed engineer or surveyor. Within 15 days of receiving copies of the sketch plat, the Zoning Administrator shall take action to approve, conditionally approve, or refer such plat to the Planning and Zoning Commission, unless time is extended by mutual agreement with the subdivider. The Planning and Zoning commission is the only body having the authority to reject a minor subdivision plat. Where a minor subdivision is conditionally approved or rejected the reasons for rejection or the imposed conditions shall be stated in writing.

4.1009 PRELIMINARY PLAT REQUIREMENTS OF MAJOR SUBDIVISIONS. The preliminary plat of a subdivision is not intended to serve as a record plat and shall be submitted for review separately and prior to submission of the final plat. Preliminary platting procedure is as follows:

A. Pre-application Coordination.

Prior to filing a preliminary plat the subdivider or his agent shall consult with the Zoning Administrator for the purpose of receiving general information about any city plans, zoning requirements or other factors so as to avoid unnecessary difficulty and time delays for the subdivider and facilitate the plat review. No formal plat or filing fee is required for this step. A sketch map, drawn to a scale acceptable to the Zoning Administrator shall be provided to the Zoning Administrator, and which sketch which shall include, at a minimum, the following information: legal description and boundaries of the property proposed for subdividing, the ownership of all adjacent lands, the approximate size of the planned parcels, north arrow, all existing structures, principal natural land features including drainage ways, existing roads within or giving access to the property, location of flood prone lands and any other information relevant to the development of the property. At this review, or within 15 days thereafter, the Zoning Administrator shall inform the subdivider of any additional information needed, recommended changes or corrections to be made before a preliminary plat is prepared. The Zoning Administrator shall provide the results of this pre-application coordination to the Plan Commission at the time the preliminary plat is reviewed by the Commission.

B. NUMBER OF COPIES AND SCALE OF THE PRELIMINARY PLAT

Three copies of the preliminary plat shall be submitted to the city's plat review agent and prepared according to the requirements of this Section for review. The scale of the map shall be 1" = 50' on small subdivisions and 1" = 100' on large subdivisions unless otherwise approved by the Commission.

C. CONTENTS OF PRELIMINARY PLAT

1. Areas to be dedicated for public use such as parks, playgrounds, streets, drainage easements and utility easements.
2. Boundaries of the proposed subdivision shall be labeled and indicated by a heavy line.
3. Proposed lot lines.
4. Buffer easement and method where required.
5. Contour lines at intervals of not more than two (2) feet to City datum, except where the slope of the land exceeds twenty-five (25) per cent in which event five (5) foot intervals may be used.

6. Location and size of all proposed utilities and required utility easements. For water lines, the location of all laterals, hydrants and gate valves shall be shown. For sanitary sewers, all manholes shall be shown.
7. Existing buildings, railroads, underground utilities, other rights-of-way
8. Location and name(s) of adjoining subdivision(s).
9. Location, names and widths of all existing and proposed roads, alleys, streets and highways adjoining the area being subdivided.
10. Lot area (approximate) of all non-rectangular lots and the area of smallest rectangular lot.
11. Lot numbers
12. Name and address of engineer and surveyor.
13. Name and address of land owner(s) and/or developer.
14. Name of subdivision, date, compass point, scale and legal description and acreage of the property being platted.
15. The boundaries and numbers of all addressing blocks within the proposed subdivision according to the city's addressing plan.

D. ACCOMPANYING MATERIAL

1. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat as required by this Chapter and certification from the County Sanitarian as to what parts of the plat would qualify for a septic system permit.
2. Restrictions proposed, if any, to be included in the owner's dedication of the plat. Such restrictions are not subject to approval by the City, however, it's the applicant's responsibility to assure that no such restriction shall be in violation of any federal, state or city laws.
3. Written statement by the appropriate officials of the availability to the proposed subdivision of all utilities required by this Chapter.

4.1010 FINAL PLAT REQUIREMENTS OF MAJOR SUBDDIVISIONS

A. NUMBER OF COPIES AND SCALE

After the preliminary plat is approved, the subdivider shall submit six copies of the final plat for review by the Commission. The final plat may include only part of the preliminary plat. The scale of the plat, if different from the preliminary plat, shall be approved by the Zoning Administrator.

B. CONTENTS OF FINAL PLAT

The following information shall be shown on the plat:

1. Block lines shall be designated by heavy solid lines.
2. Boundary lines shall be designated by a heavy line.
 - a. Boundary dimensions from angle point to angle point shall be shown for all sides of the closed traverse.
 - b. Bearings, based on an assumed meridian approximating north, of all boundary lines or internal angles of all angles points on the boundary shall be shown.
3. Street names, locations, lot designations and right-of-way width for all streets within or abutting the plat shall be shown. Streets that are a continuation of present streets should bear the same name. The city Council shall be the final authority for approving street names consistent with any 9-1-1 street naming standards.
4. Certification by a registered Land Surveyor in accordance with the Iowa law.
5. Easements for public utilities and drainage facilities shall be designated by fine line of medium length dashes, and appropriately labeled with reserved width and type of easement.
6. Fractional lines and corners of the government township and section surveys shall be appropriately labeled and dimensioned as applicable to the plat. All plats shall be tied to a known section or fractional corners or adjoining subdivisions by distances and bearing or angles.
7. Legal description of the platted area shall be included on the plat.
8. Lot lines shall be designated by medium fine to solid lines.
9. Lots shall be numbered consecutively with all sides dimensioned. The bearings or corner angles of all lot lines, which are not parallel to the block lines, shall be shown and lines intersecting a curved line shall be labeled as radial or not radial as applicable. Dimensions of lot lines which are curved shall include appropriate curve data.
10. Permanent reference monuments shall be labeled (P.R.M.) and located.
11. Scale shall be indicated graphically as the scale in feet along with the compass point.

12. Surveyor's notes shall include the following as appropriate or applicable to the particular plat.

- a. All bearings are based on an assumed meridian for computation purposes.
- b. A legend indicating the meaning of various lines and symbols in the plat.
- c. Any other notes deemed necessary for the particular plat.

C. ACCOMPANYING MATERIAL

The final plat upon filing with the Zoning Administrator shall be accompanied by the following material:

1. All documents required by Iowa Code Section 354 as that section now or hereafter requires, except for the resolution of the City Council approving the final plat.

2. Any protective covenants or restrictions to be imposed upon the plat. Such covenants or restrictions are not subject to approval by the City; however, it is the responsibility of the subdivider to assure that no such covenant or restriction violates any federal, state or local laws.

3. Plans and profiles of all streets and alleys at a appropriate scale approved by the Zoning Administrator. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be installed.

4. The following documents:

- a. A certificate by the subdivider's Engineer that all improvements required by this Chapter have either been installed in accordance with the approved plans and specifications and a description of any improvements which fail to meet the approved plans and specifications.
- b. Maintenance bond for all installed improvements warranting the materials and construction methods for a period of two (2) years from the date of acceptance by the City of the improvements (four years for the street paving); or,
- c. Performance bond, if necessary, for any improvements not installed at the time of filing of the final plat.

D. RECORDING PLAT

After approval of the final plat by the City Council, the final plat and the pertinent accompanying material shall be recorded at the subdivider's cost in the manner required by Iowa Code Chapter 354, including rules of the County Recorder's Office

4.1011 VARIANCES. Where in the case of a specific proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would warrant consideration for relief from such requirements, a variance may be considered under those conditions provided below:

A. Hardship.

Where the Plan Commission and city Council find that extraordinary hardship or practical difficulties caused by strict compliance with these regulations due to topography and parcel size and shape which thereby cause reduced development potential, 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 or the objectives of the Comprehensive Plan; that it not be in conflict with the Zoning Ordinance; 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:

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

2. 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.

3. 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, of the strict letter of the regulations were carried out.

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

5. Except as provided in sub-paragraph B below, neither the code requirements for improvements to be dedicated to the public shall not be waived nor the construction standards for the physical improvements diminished.

B. Plats Located In The R-1, Low Density Residential District.

Residential subdivision plats within this district shall be considered for variances from the improvement standards and requirements of this chapter due to the lesser need for all such improvements due to the low intensity of development and the intentions of this zoning district to preserve as much of the natural landscape as possible. Variances shall not be considered for the improvement standards referenced in Paragraph 1007 of this Chapter for developments in other zoning districts. The subdivider shall present to the Commission a written description and justification of each variance requested. Final variances shall be determined by negotiations between the subdivider and the Commission and City Council. Any and all variances granted under this paragraph shall remain consistent with providing for the health, safety and general welfare of the subdivision occupants and the city in general and shall be consistent with the Comprehensive Plan. Any roadway and its associated right-of-way for which a variance is granted from the standards of this Chapter will not be accepted as a public street by the City Council, provided however, that any such private roadway shall meet the following standards: 24' wide traveled roadway, a 2' wide graded shoulder on each side of roadway, and a 50' road lot or easement for each such variance roadway.

C. 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 this chapter.

D. Procedure For Variance.

A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. Such petition shall be signed by the subdivider acknowledging the accuracy of all information in the petition. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The petition submitted by any petitioner with a variance request and the record of the granting of any such request shall be filed for record by the subdivider with the recording of the final Plat.

4.1012 FEES. Before a preliminary plat may be considered by the Commission, the subdivider shall pay the City a fee of fifty dollars (\$50).

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4.1013 ENFORCEMENT.

A. No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.

B. The City Council shall not permit any city funds to be expended for repairs or maintenance on any improvements in any area that has been subdivided unless such subdivision has been approved and the improvements accepted in accordance with this Chapter.

C. No building permit shall be issued for any lot in a subdivision which has received final approval under this Chapter, wherein the improvements as provided in Section 4.1006 of this Chapter have neither been installed nor a performance bond for said improvements posted with the City as provided in this Chapter.

D. No more than one building permit for each separate tract existing as of January 1, 1973 shall be issued unless said tract has been platted, except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions to building already existing on said tract. Separate tract means an aliquot part of a section, a lot within an official plat, or a government lot under one ownership as of January 1, 1973.

E. This Code Chapter shall apply to and be enforceable upon any division of a tract or parcel of land within the jurisdiction of the City as defined by Section 4.1002 of this Code for which an Official Plat is required by the laws of the State of Iowa or this Code Chapter.

4.1014 COMMISSION REGULATIONS. The Commission may issue rules and regulations implementing the provisions of this Chapter.