City of Winterset, Iowa
by O. D. Simmons, City Clerk
of the City of Winterset, Iowa,
To
The Public

#438

Fee $7.20 √JS

Filed for record the 17 day of January A. D. 1961 at 4:33 o'clock P. M.

Mary E. Welty, Recorder

CERTIFICATION AS TO ORDINANCE NO. 139 OF THE CITY OF WINTERSET, IOWA

State of Iowa, County of Madison, City of Winterset, SS:

I, O. D. Simmons, City Clerk of the City of Winterset, Iowa, hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Winterset, Iowa, and that I have been such City Clerk at all times referred to herein, and that on the 14th day of June, 1960, at a duly organized meeting of the City Council of the City of Winterset, Iowa, an ordinance of the City of Winterset, Iowa, being Ordinance No. 139 of the City of Winterset, Iowa, was duly passed and adopted by the City Council of the City of Winterset, Iowa, and on the 14th day of June, 1960, was approved by Wayne Newton, Mayor of the City of Winterset, Iowa, and that said ordinance was duly published in The Winterset Madisonian, a weekly newspaper published in and having general circulation in the City of Winterset, Iowa, in its issue of June 29, 1960, as shown by the affidavit of publication on file in the office of the City Clerk of the City of Winterset, Iowa, and has been duly recorded in the official ordinance book of the City of Winterset, Iowa, and has been authenticated by the signatures of the Mayor and the City Clerk of the City of Winterset, Iowa, which ordinance, according to its title, shall be known as the "Land Subdivision Ordinance of Winterset, Iowa," and that attached hereto, as part of this certification, is a true, correct and complete copy of said Ordinance No. 139 of the City of Winterset, Iowa, which was passed and adopted and approved and published and recorded and authenticated as hereinbefore stated; all of which is hereby certified to the County Recorder of Madison County, Iowa.

Witness my hand and the official seal of the City of Winterset, Iowa, this 17th day of January, 1961.

(CITY OF WINTERSET SEAL)

O. D. Simmons City Clerk
of the City of Winterset, Iowa

(COPY)

ORDINANCE NO. 139

SECTION I

TITLE

This ordinance shall be known as "LAND SUBDIVISION ORDINANCE OF Winterset, Iowa."

SECTION II

PURPOSE

The purpose of this ordinance is: to establish standard procedures, ordinance and conditions for the preparation and submission of subdivision maps or plats or approval by the Planning Commission and City Council for the area within the City of Winterset, Iowa; to exercise the authority to approve plats of land subdivision as provided in Section 409 of the 1958 Code of Iowa.

Be it Ordained by the City Council of the City of Winterset, Iowa.

SECTION III

DEFINITIONS

The following terms are defined as follows for the purpose of this ordinance:

Planning Commission: The Planning Commission of the City of Winterset.

Building Line: A line on a plat between which line and street or private place no buildings or structures may be erected.

Plat: A map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends on final form to record.

SUBDIVISION: The division of a lot, tract, or parcel of land into three (3) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or

future, of transfer of ownership or of building development. It also includes a resubdivision of land or lots.

SUBDIVIDER: A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

SECTION IV

SUBDIVISION PROCEDURE PRELIMINARY APPROVAL BY PLANNING COMMISSION: Whenever the owner of any tract or parcel of land within the corporate limits, of the City of Winterset wishes to make a subdivision of the same he shall cause to be prepared a preliminary plan of said subdivision and shall submit three (3) copies of said preliminary plan and other information to the Planning Commission for its preliminary study and approval. The preliminary plan shall contain such information and data as is outlined in Section V hereof.

The Planning Commission shall study such preliminary plat to see if it conforms with the minimum standards and requirements as outlined in this Ordinance and shall approve or reject such plans within forty (40) days, after the date of submission thereof to the Commission. If the Commission does not act within forty (40) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed seventy (70) days. The approval of the preliminary plat by the Planning Commission shall be null and void unless the final plat is presented within 180 days after date of approval.

Before approving a preliminary plat, the Planning Commission may in its discretion hold a public hearing, notice of which shall be given by one publication in a newspaper, and by posting notices at opposite corners of one of the boundaries of said plat, both seven (7) days prior to such public hearing.

The subdivider shall also submit to the Planning Commission for the approval or rejection, six (6) copies of a final plan of the subdivision which shall contain the data and information outlined in Section VI of this Ordinance. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Secretary of the Commission.

APPROVAL BY THE CITY COUNCIL: After approval of the final plan of the subdivision by the Planning Commission, the recommendation of approval and the final plan shall be submitted to the City Council by the Secretary of the Commission for final approval and for the acceptance of all streets, alleys, ways, easements, parks or other areas preserved for or dedicated to the public.

If the Planning Commission does not approve the final plan of the subdivision, the City Council may approve said plan and accept the public areas and easements thereon only by a 3/4 vote of the entire membership of the Council.

SECTION V

PRELIMINARY PLATS

Each subdivider of land should confer with the Planning Commission, or with City officials before preparing the preliminary plat in order to become thoroughly familiar with the proposed City Comprehensive Plan or with any municipal ordinance affecting the territory in which the proposed subdivision lies. In seeking to subdivide land, the owner shall submit (3) copies of a preliminary plan to the Planning Commission before submission of the final plan. The preliminary plan shall be drawn to scale and shall show:

1. The official description of the property to be platted with name of subdivision.
2. Contour intervals of not more than (5) feet.
3. The location of such surface features as property lines, buildings, railroads, utilities, water courses and similar items affecting the development. Also location and

size of such subsurface features as existing or nearest available sewers, water mains, culverts and drain pipes.

4. A vicinity sketch or key map at a scale of not more than five hundred (500) feet to the inch shall be shown or accompany the proposed plat. This map shall show how streets and alleys in the proposed subdivision may connect with exisiting and proposed streets and alleys in neighborhood subdivisions or undeveloped property, to produce the most advantageous development of the entire neighboring area.

5. All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares.

6. The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also north point, scale, date, name of surveyor or engineer and designer.

7. Sites for schools, parks, playgrounds and provision for secondary and local major thoroughfares and collector streets in their location, size or width in accordance with the Comprehensive Plan, in order that the time and manner of their dedication to the City may be considered or determined.

8. The zoning district or districts in which the land to be subdivided falls according to the Zoning Ordinance.

9. For secondary and local major thoroughfares, the minimum radius of curvature shall be three hundred (300) feet on the center line, for collector streets one hundred (100) feet, and for local residential streets fifty (50) feet. The maximum grade shall not exceed 7% for secondary and local major thoroughfares, or 12% for minor or local service streets. All changes in grades shall be connected by vertical curves of minimum length equal to fifteen (15) time the algebraic difference in rate of grade for thoroughfares, and ½ this minimum length for minor or local service streets. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of of the Planning Commission.

The scale of such preliminary plans shall not be greater than one inch to one hundred (100) feet. In the case of a subdivision where any of the above data may not be required by the Planning Commission in acting upon the tentative plat, the Commission may waive the requirement to submit such data.

SECTION VI
FINAL PLAN

Six prints of the final plan shall be submitted to the Planning Commission. This plan shall be made from an accurate survey drawn to one hundred (100) feet to the inch or larger scale by a licensed engineer or surveyor.

The Final Plan shall show:

1. The boundaries of the property; lines of all proposed streets and alleys with their width, and any other areas intended to be dedicated to public use.

2. The lines of adjoining streets and alleys with their width and names.

3. All lot lines and lot numbers, building lines and easements, with figures showing their dimensions.

4. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

5. Radii, arc and chords, points of tangency, central angles for all curvilinear

streets and radii for all rounded corners.

6. All surveyor's monuments, together with their descriptions.

7. Title and description of property subdivided, showing its location and extent, points of compass, scale of plan, and certification and name of engineer or surveyor staking the lots.

8. Profiles shall be made of all streets and alleys fifty (50) feet horizontal scale and five (5) feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be place under the street and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing. Streets shall in so far as possible conform to the contours to avoid grades in excess of 7%.

9. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed convenant for the common use of the property owners in the subdivision.

10. Approval of the final plat by the City Council shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application or an extension of time is made in writing during said thirty (30) day period to the Council, and granted.

11. Where it can be shown there are extraordinary hardships in the way of complete compliance with these ordinances, the Commission shall have the power to vary the ordinances so that substantial justice may be done and public interest secured; provided, however, that no such variation shall have the effect of reducing the traffic capacity of any secondary or local major thoroughfare below that shown on the Comprehensive Plan.

SECTION VII
DESIGN STANDARDS

No subdivision plat shall be approved by either the Planning Commission or by the City Council unless it conforms to the following minimum standards and requirements;

A. COMPREHENSIVE PLAN: The design shall conform in general to the Comprehensive Plan and to any other applicable plans of the Planning Commission.

B. ACRE SUBDIVISION: Whenever the area is divided into lots containing one or more acres and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

C. RELATION TO ADJOINING STREET SYSTEM: The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) in so far as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement shall also be such as to cause no hardship to owners of adjoining property when they plan their own land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted. Streets shall ordinarily intersect other streets at right angles.

D. STREET AND ALLEY WIDTH: The width for major streets shall conform to the widths designated on the Major Streets Plan. The minimum width for collector streets shall be sixty (60) feet, and for local residential streets fifty (50) feet if improved with curb and gutter or paving. If only a gravel street is required, the minimum width for local

residential streets shall be sixty (60) feet.

All dead-end streets shall terminate in a circular right-of-way with a minimum diameter of one-hundred (100) feet. The paved portion within this circular right-of-way shall have a minimum back-of-curb radius of forty-two (42) feet, six (6) inches and a maximum inside radius of not more than fifteen (15) feet.

Alleys shall be required in the rear of all commercial and industrial districts and shall be at least twenty (20) feet wide. Where alleys are not provided, easement of not less than five (5) feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas and water mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

E. BLOCKS: Residential blocks shall normally be of sufficient width for tiers of lots. Block lengths shall be determined by circulation and other needs. A pedestrian way, not less than ten (10) feet in width may be required approximately midway in a block that is more than one-thousand (1000) feet in length. Where residential blocks with lots deeper than two hundred twenty-five (225) feet are proposed, a reservation for a future street through the middle of the block, longitudinally, may be required.

F. LOTS: All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage shall be avoided.

The minimum dimensions for lots shall conform to the requirements of the zoning district in which the property is located. Corner lots shall be of such width as to permit the maintenance of all building lines and yard requirements as may be provided by the Zoning Ordinance.

Lots on major street intersections and at all other points likely to be dangerous shall have a radius of not less than fifteen (15) feet at the street corner.

G. BUILDING LINES: Building lines shall be shown on all lots intended for residential use of any character and on all commercial and industrial lots immediately adjoining residential areas. Such building lines shall not be less than required by the Zoning Ordinance. Provision shall be made by deed requiring all enclosed parts of buildings to be set back to such building lines.

H. STREET NAMES: Street names for STREETS WHICH ARE extensions of exisiting streets shall be the same. Street names for these and for other streets shall be subject to Planning Commission approval.

I. EASEMENTS ALONG STREAMS: Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for straightening or widening the channel so that it will properly carry the surface water and shall also provide and dedicate to the City of Winterset an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the streams and for recreation use. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation and straightenings.

SECTION VIII
IMPROVEMENTS

After the tentative approval of the preliminary plat and before the submission of the final plat and as a condition precedent to approval of the final plat, the following improvements shall be construed in accordance with the standards adopted by the City Council.

1. Construct and install water mains and sewage and storm drains and their appurten-

ances according to the plans and specifications adopted by the City Council.

2. Grade all right-of-ways to full width and at grades established by the Engineer.

3. Construct and install curbs and gutters of types and materials approved by the City Council, and at grades established by the Engineer.

4. Construct and install roadway surfacing or concrete paving from curb to curb, of types, materials, and designs approved by the City Council and at grades established by the Engineer.

5. Construct and install sidewalks as specified by the City Council and at grades established by the Engineer.

The Planning Commission may waive the requirements for the construction and installation of some or all of the foregoing improvements in case of re-subdivisions where only the size, shape, and arrangement of the lots is being improved and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is desired by a public agency in lieu of a purchase or condemnation proceeding.

In lieu of construction outlined in this Section, the Planning Commission may accept a valid and enforceable surety bond to insure the satisfactory installation of such improvements within one (1) year from the time the plat is recorded for all of such improvements as the Planning Commission shall require before the bond may be released, or there may be paid to the City of Winterset sufficient funds to pay the cost of the construction of such improvements by the forces of the City or by its contractors.

SECTION IX
ENFORCEMENT

No plat of any subdivision shall be entitled to record in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein. The inspector of buildings shall not issue building or repair permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this Ordinance, but which has not been approved in accordance with the provisions contained herein.

The City Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Ordinance unless such subdivisions or street has been approved in accordance with the provisions contained herein.

SECTION X
CHANGES AND AMENDMENTS

Any regulations or provisions of this Ordinance may be changed and amended from time to time by the City Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Planning Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation at least fifteen days (15) days prior to such hearing.

SECTION XI
VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or void, such descision shall not effect the validity of the remaining portions of this Ordinance.

SECTION XII
WHEN EFFECTIVE

This Ordinance shall be in full force and effect from and after ten (10) days after its passage and publication as provided by law.

Passed and adopted and approved the 14th day of June, 1960.

(CITY OF WINTERSET SEAL)

Wayne Newton, Mayor
of the City of Winterset, Iowa

COMPARED

ATTEST: O. D. Simmons, City Clerk
of the City of Winterset, Iowa

City of Winterset, Iowa,
by O. D. Simmons, City Clerk
of the City of Winterset, Iowa
To
The Public

#439

Fee $1.40

Filed for record the 17 day of January A. D. 1961 at 4:36 o'clock P. M.

Mary E. Welty, Recorder

CERTIFICATE AS TO ORDINANCE NO. 141 OF THE CITY OF WINTERSET, IOWA

State of Iowa, County of Madison, City of Winterset, Iowa, SS:

I, O. D. Simmons, City Clerk of the City of Winterset, Iowa, hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Winterset, Iowa, and that I have been such City Clerk at all times referred to herein, and that on the 24th day of October, 1960, at a duly organized meeting of the City Council of the City of Winterset, Iowa, an ordinance of the City of Winterset, Iowa, being Ordinance No. 141 of the City of Winterset, Iowa, was duly passed and adopted by the City Council of the City of Winterset, Iowa, and on the 24th day of October, 1960, was approved by Wayne Newton, Mayor of the City of Winterset, Iowa, and that said ordinance was duly published in The Winterset Madisonian, a weekly newspaper published in and having general circulation in the City of Winterset, Iowa, in its issue of November 2, 1960, as shown by the affidavit of publication on file in the office of the City Clerk of the City of Winterset, Iowa, and has been recorded in the official ordinance book of the City of Winterset, Iowa, and has been authenticated by the signatures of the Mayor and the City Clerk of the City of Winterset, Iowa, which ordinance is entitled: "An ordinance repealing Ordinance No. 47 of the City of Winterset, Iowa, which was an ordinance providing for a restricted residence district in the City of Winterset, Iowa," and that attached hereto, as part of this certification, is a true, correct and complete copy of said Ordinance No. 141 of the City of Winterset, Iowa, which was passed and adopted and approved and published and recorded and authenticated as hereinbefore stated; all of which is hereby certified to the County Recorder of Madison County, Iowa.

Witness my hand and the official seal of the City of Winterset, Iowa this 17th day of January, 1961.

(CITY OF WINTERSET SEAL)

O. D. Simmons, City Clerk
of the City of Winterset, Iowa.

(COPY) ORDINANCE NO. 141

An ordinance repealing Ordinance No. 47 of the City of Winterset, Iowa, which was an ordinance providing for a restricted residence district in the City of Winterset, Iowa.

Be it ordained by the City Council of the City of Winterset, Iowa:

Section One. That Ordinance No. 47 of the City of Winterset, which was passed and approved on the 23rd day of August, 1944, be and is hereby repealed.

Section Two. That said Ordinance No. 47 of the City of Winterset, Iowa, was rendered inoperative by the enactiment of a zoning ordinance by the City of Winterset, Iowa, under the provisions of Chapter 414, of the Code of Iowa of 1958.

Section Three. That the City Clerk is authorized and directed to certify to the County Recorder of Madison County, Iowa, the record of the passage and publication of this ordinance, so that said Ordinance No. 47, which is recorded in Miscellaneous Record 26 in the office of the County Recorder of Madison County, Iowa, at Page 286, shall be shown in the records in said County Recorder's office to be inoperative and repealed.

Section Four. All ordinances or parts of ordinances in conflict herewith are hereby repealed.