

**Prepared by: Jessy Willadsen
Webster County Planning and Zoning
703 Central Avenue, 4th Floor
Fort Dodge, IA 50501
515-574-3761**

ORDINANCE NUMBER 035

SUBDIVISION ORDINANCE FOR THE UNINCORPORATED PORTION OF WEBSTER COUNTY

An ordinance providing rules and regulations for the subdivision of land in the unincorporated area of Webster County, Iowa, prescribing minimum standards for the preliminary and final plats and requiring certain improvements as a condition of approval. The purpose is for promoting the safety, health and general welfare of the public in accordance with the Comprehensive Plan of Webster County, Iowa.

WHEREAS, the Board of Supervisors of Webster County has adopted a zoning ordinance to assist in controlling the future development of the County by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings and structures for residences, commerce, industry and other purposes; and

WHEREAS, it is essential that the subdivisions of land be coordinated with the zoning ordinance for the purpose of guiding the future development of the County;

NOW THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT:

ARTICLE I: GENERAL PROVISIONS

Section:

- 1.1 Short Title
- 1.2 Purpose
- 1.3 Application
- 1.4 Recording Of Plat
- 1.5 Fees Established
- 1.6 Penalties
- 1.7 Zoning Compliance Permit To Be Denied

1.1 Short Title. This ordinance may be known and cited as the "Subdivision Ordinance of

Webster County, Iowa".

1.2 Purpose. The purpose of this ordinance is to establish minimum standards for the design, development, and improvement of all new subdivisions and subdivisions of land, so existing land uses will be protected and adequate provisions are made for public facilities and services so that growth occurs in an orderly manner, consistent with the Comprehensive Plan. This ordinance will also promote the public health, safety, and general welfare of the citizens of Webster County.

1.3 Application. A subdivision plat shall be made when any of the following occur:

- a. A simultaneous division of a forty-acre aliquot part, government lot, or a Lot within an Official Plat into three or more parcels;
- b. An incremental division of a forty-acre aliquot part, government lot, or a Lot within an Official Plat that results in three or more parcels in said forty-acre aliquot part, government lot, or a Lot within an Official Plat.

A subdivision plat shall not be required if the division of land or rights in land is created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

The boundary of the Subdivision Plat shall include both the Parcel(s) being conveyed and the remaining Parcel(s).

1.4 Recording Of Plat. No subdivision plat, resubdivision plat, or street dedication within the unincorporated portion of Webster County, Iowa, shall be filed for the record with the County Recorder, until the final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

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

There shall be three (3) copies stamped as approved by the Board of Supervisors

- a. One (1) copy shall be retained for file by the County Zoning Administrator
- b. One (1) copy shall be filed with the County Recorder.
- c. One (1) copy, with accompanying resolution by the Board of Supervisors approving and accepting the Plat, shall be filed with the County Auditor. A certificate must accompany this copy by the owner that the subdivision is with the desire of the owners. This certificate must be signed and acknowledged by the owner before some officer authorized to take the acknowledgments of deeds.

1.5 Fees Established. The Board of Supervisors shall establish by resolution a fee schedule for the review of plats, with such schedule being updated as needed. No plat for any subdivision or resubdivision shall be considered filed with the Board of Supervisors,

unless and until the established fee accompanies the plat.

- 1.6 Penalties.** Any person who shall dispose of any lot or lots within the area of jurisdiction of this ordinance until the plat thereof has been approved by the Board of Supervisors and recorded as required by law, shall forfeit and pay five hundred dollars (\$500.00) to the County for each lot or portion thereof sold, disposed of, or offered for sale. Nothing contained herein shall in any way limit the County's right to any other remedies available to the County for the enforcement of this ordinance.
- 1.7 Zoning Compliance Permit To Be Denied.** No zoning compliance permit shall be issued for construction on any lot or tract where a subdivision is required unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been installed and accepted by the County.

ARTICLE II: DEFINITIONS

Section:

2.1 Terms Defined

- 2.1 Terms Defined.** For the purposes of this ordinance 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, the word may is permissive; and the word he includes she.
- a. Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section;
 - b. Alley: Public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting a street. An alley shall not be used to provide primary access to a lot;
 - c. Auditor's Plat: A subdivision plat prepared at the request of the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation. An Auditor's Plat shall be prepared by a licensed land surveyor;
 - d. Block: An area of land within a subdivision that is entirely bounded by streets, highways, or rights-of-ways, except alleys, and the exterior boundary or boundaries of the subdivision;
 - e. Board of Supervisors: The Webster County Board of Supervisors;
 - f. Building Line: A line on a plat between which line and a street, alley, or private places no building or structure may be erected. Building lines are established by set-backs in the Webster County Zoning Ordinance;
 - g. Collector Streets: Those that 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;
 - h. County Engineer: The professional engineer licensed in the State of Iowa designated

- as County Engineer by the Board of Supervisors;
- i. County Sanitarian: The Webster County Sanitarian;
 - j. County Zoning Administrator: The Webster County Zoning Administrator;
 - k. Comprehensive Plan: The general plan for development of the community, that may be titled the “Master Plan,” “Comprehensive Plan,” or some other title, which plan has been adopted by the Board of Supervisors. Such Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof;
 - l. Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract;
 - m. Cul-de-sac: A short, minor street, having one end open to motor traffic, and the other end being permanently terminated by a vehicular turnaround;
 - n. Division: Dividing a tract of land into two (2) tracts of land by conveyance or for tax purposes. The conveyance of an easement shall not be considered a division for the purpose of this ordinance;
 - o. Easement: A grant by the property owner of the use, for a specific purpose, of a parcel of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees and move structures which interfere with the use of such easements;
 - p. Flood Hazard Area: Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one-hundred (100) year flood; as designated by the Federal Emergency Management Agency/Federal Insurance Administration;
 - q. Government Lot: A tract within a section that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system;
 - r. Improvements: Changes to land necessary to prepare it for building sites, including but not limited to, grading, filling, street paving, curb paving, sidewalks, walk-ways, water mains, sewers, drainage ways and other public works and appurtenances;
 - s. Lot: A portion of subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development. A lot shall have its principal frontage upon a street;
 - t. Lot, Corner: A lot situated at the intersection of two streets;
 - u. Lot, Double Frontage: A lot that is not a corner lot, but abuts on two streets;
 - v. Metes and Bounds Description: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the tract by reference to physical features of the land;
 - w. Major Street: A street used primarily for fast, large volume traffic;
 - x. Minor Street: A street used primarily for access to the abutting properties;
 - y. Official Plat: Either an Auditor’s plat or a subdivision plat that meets the requirements of this ordinance and has been filed for record in the offices of the Recorder, Auditor, and Assessor;
 - z. Owner: The legal entity holding title to the property being subdivided, or such

- representative or agent as is fully empowered to act in its behalf;
- aa. Performance Bond: A surety bond or cash deposit made out to the County in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the County Engineer, and said improvements to be constructed in accordance with this ordinance;
 - bb. Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which is submitted for approval and intended to be in final form to record;
 - cc. Plat of Survey: The graphical representation of a survey of one (1) or more of the tracts of land, including the complete and accurate description of each tract within the plat and is prepared by a Licensed Land Surveyor;
 - dd. Planning and Zoning Commission: The Webster County Planning and Zoning Commission;
 - ee. Resubdivision: Any further division of land that has previously 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;
 - ff. Right-of-Way: The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties;
 - gg. Street (also Road): Public property, not an alley, dedicated or intended for vehicular circulation. In appropriate context the term "street" may refer to right-of-way bounded by the property lines of such public property, or may refer to paving installed within such right-of-way;
 - hh. Subdivider: The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf;
 - ii. Subdivision: The division of land into three (3) 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. For purposes of this ordinance the following types of subdivision are identified and defined:
 - 1. Minor Subdivision: Any subdivision that contains not more than five (5) lots fronting on an existing public street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the tract, shall be classified as a Minor Subdivision;
 - 2. Major Subdivision: Any subdivision that, in the opinion of the County Zoning Administrator, does not for any reason meet the definition of a Minor Subdivision, shall be classified as a Major Subdivision;
 - jj. Surveyor: A licensed surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa or Chapter 355, Code of Iowa;
 - kk. Tract: An Aliquot part of a section, a lot within an official plat, or a government lot;
 - ll. Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, and storm water.

ARTICLE III: IMPROVEMENTS

Section:

- 3.1 Improvements Required
- 3.2 Inspection
- 3.3 Minimum Improvements
- 3.4 Easements Required
- 3.5 Alternative Systems For Sewer And Water

3.1 Improvements Required. The subdivider shall, at his expense, construct/install all improvements required by this ordinance. All required improvements shall be installed/constructed in accordance with accepted design standards and according to plans and specifications prepared by a Licensed Civil Engineer. The County is to receive copies of all plans and specifications of proposed improvements.

3.2 Inspection. All improvements shall be inspected by a Certified Inspector to insure compliance with the requirements of this ordinance and copies of inspection reports, structural tests, etc. shall be forwarded to the County Engineer. The cost of such inspection shall be borne by the subdivider.

3.3 Minimum Improvements. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

- a. **Streets:** The subdivider of land being subdivided shall provide the grading of the entire street right of way, alley or public place. Streets in Major Subdivisions shall be public streets and paved. All shall be so constructed as to meet the design standards in Article 4 of this ordinance.

Under some circumstances the County may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the County street system as it relates to both the area being platted and other areas. In such event, the County will pay the subdivider the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the County, become the property of the County.

- b. **Sanitary Sewer System:** The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage for the platted area with due regard being given to present or reasonably foreseeable needs. Where a public sewer system is accessible there shall be constructed, at the subdividers expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer manholes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or tracts of land within the platted area to a connection with a public sanitary sewer. The sanitary sewer system shall be constructed in accordance with the plans and specifications of that public system and at sewer grades as established by the public system. Major Subdivisions within two miles of the corporate limits of any City shall connect to City's sanitary sewer system

unless no system is present in the City.

Under some circumstances the County may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete a public sanitary sewer system as it relates to both the area being platted and other areas. In such event, the Utility will pay the subdivider the difference in cost of pipe and installation between the larger sewer and diameter of sewer reasonable to meet the foreseeable needs of the area.

The above-mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the public sewer system, become the property of the public sewer system.

- c. Storm Sewer System: Adequate provisions shall be made for the disposal of storm water subject to approval of the County Engineer. Storm Sewers shall have a minimum diameter of eighteen (18) inches or larger as the increase of drainage area demands. Storm sewers are to be located on the low side of the street, well outside of the curb or traveled roadway line. The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer shall be constructed in accordance with plans and specifications of the County and at sewer grades established by the County.

Under some circumstances the County may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the County storm sewer system as it relates to both the area being platted and other areas. In such event, the Utility will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

- d. Water Main System: The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or tracts of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area. Major Subdivisions within two miles of the corporate limits of any City shall connect to City's water main system unless no system is present in the City.

Under some circumstances the County may require, as a condition for approval of the plat, installation of a water system that is larger than necessary to meet the needs of the platted area, but necessary to complete the County's water system as it relates to both the area being platted and other areas. In such event, the Utility will pay the subdivider the difference in cost of pipe and installation between the larger water mains reasonable to meet the foreseeable needs of the area.

- e. Other Improvements: The subdivider of the land being platted shall be responsible for grading and seeding or sodding of all lots, the planting of any required trees or shrubbery, and the installation of proper street signage and adequate street lighting.

3.4 Easements Required.

- a. Utility Easements: Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear and, where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities. No buildings or structures except as necessary for utilities shall be permitted on such easements.
- b. Easements Along Streams Or Watercourses: Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the County an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the County.

- 3.5 Alternative Systems For Sewer And Water.** Where the connection to a public sewer or water system cannot be reasonably made, the County may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety and welfare, and shall meet all requirements of state, county, or other applicable health regulations. The use of septic tanks will require the subdivider to discuss with the County Sanitarian the current requirements for the area requirements for septic tanks for the specific soil types of the subdivision. Prior to granting approval of such alternate systems, the County shall require that the owner and subdivider provide to the County a waiver of assessment protest or other legally binding documents necessary to protect the County from the expense of subsequent installation of sewer or water facilities.

Alternate systems for sewer and water are not permitted in a Major Subdivision unless a variance has been requested and approved under Article 6 Section 1 of this ordinance. When septic tanks are approved by the Board of Supervisors as an alternate sewer system in a Major Subdivision, the subdivider shall designate on the preliminary plat of each lot two locations where the leach field may be located. A soil scientist shall verify that the two locations provide proper drainage for the septic tank.

ARTICLE IV: MINIMUM DESIGN STANDARDS FOR SUBDIVISIONS

Section:

- 4.1 Standards Prescribed
- 4.2 Land Suitability
- 4.3 Lands Subject To Flooding
- 4.4 Plan to Conform To Comprehensive and Other Plans
- 4.5 Construction Standards For Improvements

- 4.6 Street Layout And Design
- 4.7 Street Standards
- 4.8 Block And Lot Standards
- 4.9 Plans
- 4.10 Railroads

4.1 Standards Prescribed. The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

4.2 Land Suitability. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formation, unsatisfactory topography, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the County.

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

4.3 Lands Subject To Flooding. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the County without the approval of the Federal Emergency Management Agency. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such a size and shape that it will contain a buildable area that is not within the floodway or flood hazard area, suitable for development as allowed by the zoning ordinance under the appropriate zoning classification in which the lot is located.

4.4 Plat To Conform To Comprehensive And Other Plans. The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the County and other plans, including but not limited to Public Works Plans, Utilities Plans, Urban Revitalization Plans, Urban Renewal Plans, Neighborhood Plans, Recreation Plans, Solid Waste Plans, Economic Development Plans, Industrial Park Development Plans, and Housing Rehabilitation Plans.

4.5 Construction Standards For Improvements. The Board of Supervisors may adopt by resolution additional design standards for streets, sanitary sewer systems, storm sewer systems, water main systems, and other improvements.

4.6 Street Layout And Design. The arrangement, character, extent, width, grade and location of all streets shall be designed with consideration of and in relationship to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such streets. The layout and design of streets in all subdivisions shall conform to the following:

- a. Streets shall provide, where practical, for the continuation or appropriate projection of existing streets in the surrounding area.
- b. 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, at or above, the grade 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.
- c. Streets 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 uses.
- d. Streets shall be laid out to conform as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access of property.
- e. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by the topography or other physical conditions, or unless in the opinion of the Board of Supervisors, 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.

4.7 Street Standards. Street standards including, but not limited to, right-of-way widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the County Engineer.

- a. Dedication of additional right-of-way shall be required for any subdivision having frontage on an existing street, which does not meet with the minimum right-of-way width required by the County Engineer.
- b. Dead-end streets shall be no longer than nine hundred (900) feet. All dead-end streets shall terminate in a cul-de-sac with a minimum right-of-way diameter of one-hundred (100) feet.
- c. Guard rails and warning posts shall be placed as required by the County Engineer, along the shoulder of any street where the construction of such street has created a severe embankment.
- d. Curb and gutter type construction of streets may be required by the County Engineer in subdivisions wherein lot density and topography has the potential of creating erosion, drainage and/or stormwater management problems.
- e. All pavements shall meet or exceed the structural equivalency of seven (7) inches of portland cement concrete (pcc), based on current AASHTO "Guide for Design of Pavement Structures".
- f. Streets which exceed nine hundred (900) feet in length shall use a slip form paver when furnishing portland cement concrete.

g. Private streets, not dedicated to the county, shall be avoided. Private streets shall not be permitted in a Subdivision unless a variance is requested and approved under Article 6 Section 1 of this ordinance. The Board of Supervisors may approve a private street in a subdivision where unusual conditions make a private street desirable, provided that adequate covenants or other legal documents ensure that the county will not have or need to assume any maintenance or other responsibility for such street. The Subdivider and the Board of Supervisors may negotiate alternative street improvements to be used on streets that will not be dedicated for public use and/or public maintenance. If private roads are to be used the following shall be required:

1. All private streets shall have a right of way width, grading, and storm water drainage to meet the design standards of this ordinance, but the surface type may be of a lesser standard, if approved by the Board of Supervisors. Improvements agreed to by the Board of Supervisors on private streets shall be completed within a period of two (2) years from the date of approval of final plat.
2. An agreement in the form of a covenant running with the land, in a form approved by the County Attorney, providing for the construction or reconstruction of any improvements to meet County standards, and the assessment of all costs to the property owners in the event of acceptance of the roads by the County, shall be required. The Subdivider shall place on the deed of each lot within the Subdivision a notification that the road is a private road and not maintained by the County.
3. The Subdivider shall create a homeowners association to own the roads in the subdivision. Membership in the homeowners association shall include those persons who own lots in the subdivision.

4.8 Block And Lot Standards. The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions.

- a. No residential block shall be longer than nine hundred (900) feet or shorter than three hundred (300) feet measured from street centerline to street centerline. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.
- b. The size and shape of blocks or lots shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.
- c. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- d. The size and shape of all lots shall comply with all requirements of the zoning ordinance for the zoning classification in which the lot is located.
- e. All lots shall abut a public street, or upon an approved private street, with a minimum frontage to meet the zoning classification setback requirements measured as a straight line between the two front lot line corners.
- f. Unless unavoidable, lots shall not front or have direct access to Collector streets.

Where unavoidable, lots shall be so arranged as to minimize the number of access points.

- g. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Board of Supervisors, a variation to this provision will provide a better street and lot layout.
- h. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.
- i. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots will be determined to have frontage on the minor street. The Board of Supervisors may require the subdivider to create a buffer strip along the major street frontage if deemed necessary. This buffer strip may include various plantings or landscaping.
- j. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drainfield. No subdivision to be served by septic systems shall be approved by the Board of Supervisors until percolation tests have been performed and the results of said tests have been provided to, and reported on, by the County Sanitarian.

4.9 Plans. All plans, specifications, installation and construction required by these regulations shall be subject to review, approval and inspection by the County Engineer, County Sanitarian, and County Zoning Administrator. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and or all construction; and shall notify the County Engineer, not less the forty-eight (48) hours in advance of readiness of required inspections.

4.10 Railroads. If a railroad is involved, the subdivision plans should provide for one of the following:

- a. Be so arranged as to permit, where necessary, future grades separation at highway crossing of the railroad.
- b. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.
- c. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.

ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS FOR SUBDIVISION PLATS

Section:

- 5.1 Minor Subdivision Plat Exempt From Certain Procedures And Submissions
- 5.2 Pre-Application Conference
- 5.3 Sketch Plan Required
- 5.4 Presentation To The Planning And Zoning Commission

- 5.5 Plats Required
- 5.6 Requirement Of The Subdivision Preliminary Plat
- 5.7 Procedures For Review Of Subdivision Preliminary Plats
- 5.8 Duration Of Approval Of The Subdivision Preliminary Plat
- 5.9 Requirements Of Subdivision Final Plat
- 5.10 Documents To Accompany The Final Plat
- 5.11 Procedures For Review Of Final Plats
- 5.12 Authorization To Install Improvements
- 5.13 Performance Bond
- 5.14 Completion And Acceptance Of Improvements

5.1 Minor Subdivision Plat Exempt From Certain Procedures And Submissions.

Subdivisions classified as Minor Subdivisions by the County Zoning Administrator shall be subject to all requirements of Article 5 of this ordinance except that Minor Subdivisions shall not be required to submit a preliminary plat.

5.2 Pre-Application Conference. Whenever a subdivision located within the platting jurisdiction of the County is proposed, the owner and subdivider shall schedule a pre-application conference with the County Zoning Administrator. The conference should be attended by the County Zoning Administrator and such other County or Utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable.

The purpose, of such conference shall be to acquaint the County with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision.

If any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the County Zoning Administrator shall notify the City in writing, and shall invite the appropriate City representatives to attend the Pre-Application Conference.

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

5.4 Presentation To The Planning And Zoning Commission. The subdivider may present the sketch plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

5.5 Plats Required. In order to secure approval of a proposed subdivision, the owner and subdivider shall submit to the County, plats and other information as required by this ordinance. The owner and subdivider of any subdivision shall comply with the requirements for a subdivision plat.

5.6 Requirements Of The Subdivision Preliminary Plat. The subdivider shall prepare and file with the County Zoning Administrator thirteen (13) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-two inches by thirty-four inches (22" X 34"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

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

- a. Title, scale, north compass point, and date.
- b. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County.
- c. The name and address of the owner and the name, address and the profession of the person preparing the plat.
- d. A key map showing general location of the proposed subdivision in relation to surrounding development.
- e. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining tract of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- f. The location of property lines, streets, alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
- g. Existing and proposed zoning of the proposed subdivision and adjoining property.
- h. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
- i. The legal description of the area being platted.
- j. The boundary of the area being platted.
- k. The layout, numbers and approximate dimensions of proposed lots.
- l. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.
- m. The proposed names for all streets in the area being platted.
- n. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric lines, and other facilities. If a proposed subdivision shall fall within two or more utility service districts, such divisions shall be noted on the map. Documentation shall be provided that the utilities proposed to serve the subdivision are aware and support the Subdivision.
- o. Two proposed locations of where the leach field may be located on each lot when septic tanks will be used as an alternate sewer system. A soil scientist shall verify that the two locations provide proper drainage for the septic tank.

- p. Proposed easements, showing locations, widths, purposes and limitations.
- q. Tracts of land proposed to be dedicated or reserved for schools, parks, playgrounds, other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.
- r. A general summary description of any protective covenants or private restrictions to be incorporated into the final plat.
- s. A statement by the Superintendent of the school district within which the Subdivision is to be located indicating their knowledge of and opinion on the proposed Subdivision.
- t. Any other pertinent information, as necessary.
- u. The fee, as required by this ordinance.

5.7 Procedures For Review Of Subdivision Preliminary Plats.

- a. The County Zoning Administrator, upon receipt of thirteen (13) copies of the preliminary plat, shall keep one copy for the Planning and Zoning Office, and forward one copy to the Board of Supervisors, County Auditor, County Engineer, County Sanitarian, County Emergency 911 Coordinator, and each member of the Planning and Zoning Commission member and shall schedule the plat for consideration by the Planning and Zoning Commission and the Board of Supervisors.
- b. The County Engineer and County Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.
- c. The Planning and Zoning Commission shall examine the plat and the report of the County Engineer and County Zoning Administrator, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the Comprehensive Plan and other duly adopted plans of the County.
- d. The Board of Supervisors shall examine the plat, the report of the County Engineer, the report of the County Zoning Administrator, the report of the Planning and Zoning Commission, and such other information, as it deems necessary or desirable. Upon such examination, the Board of Supervisors shall ascertain whether the plat conforms to the ordinances of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, and will be conducive to the orderly growth and development of the County; in order to protect the public health, safety, and welfare.
- e. Following such examination, the Board of Supervisors may approve, approve subject to conditions, or disapprove the plat. Action on the preliminary plat by the Board of Supervisors shall be taken within sixty (60) days of the filing of the plat with the Board of Supervisors. However, if any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Board of Supervisors shall defer final action on the plat until the Municipality has taken action.

5.8 Duration Of Approval Of The Subdivision Preliminary Plat. The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one (1) year; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for approval of an extension of such period of validity, by the Board of Supervisors.

5.9 Requirement Of Subdivision Final Plat. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Board of Supervisors, through the County Zoning Administrator, five (5) copies of the final plat and required attachments, as set forth in this ordinance. No Major Subdivision final plat shall be considered by the Board of Supervisors until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1"= 100') or larger. Sheet size shall not exceed twenty-two inches by thirty-four inches (22" x 34") nor be smaller than eight and one-half inches by eleven inches (8½" x 11"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

- a. Scale and a graphic bar scale, north compass point, and date on each sheet.
- b. Name of the subdivision.
- c. The name and address of the owner and the name, addresses and profession of the person preparing the plat.
- d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.
- e. Sufficient survey data to positively describe the bounds of every lot, block street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
- f. All distance, bearing curve, and other survey data, as required by Chapter 355 of the Code of Iowa.
- g. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever it appears on the plat.
- h. Street names and designation of public alleys.
- i. If private streets have been approved, the road shall be labeled as a private road.
- j. Block and lot numbers.
- k. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- l. The purpose of any easement shown on the plat shall be confined to only those

easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed with the plat.

- m. All interior excepted tracts clearly indicated and labeled, "not a part of this plat."
- n. The subdivider shall not reserve a strip of land unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.
- o. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- p. A Licensed Land Surveyor shall certify to the plat.

5.10 Documents To Accompany The Final Plat. The following documents shall accompany the final plat:

- a. A certificate by the owner that the subdivision is with his free consent, and is in accordance with the desire of the owner. This certificate must be signed and acknowledged by the owner before some officer authorized to take the acknowledgments of deeds.
- b. An attorney's opinion showing that the fee title to the subdivision land is in the owner's name, holders of mortgages, and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgements, attachments, or mechanics or other liens of record.
- c. The encumbrance bond, if any.
- d. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- e. A statement from the appropriate representative from the fire and rescue district the subdivision shall be located in that the subdivision shall be covered for fire and rescue protection by that district.
- f. An agreement in the form of a covenant running with the land, in a form approved by the County Attorney, providing for the construction or reconstruction of any improvements to meet County standards, and the assessment of all costs to the property owners in the event of acceptance of the roads by the County, shall be required. The Subdivider shall place on the deed of each lot within the Subdivision a notification that the road is a private road and not maintained by the County.
- g. A resolution and certificate for approval by the Board of Supervisors and for signatures of the Chair and County Auditor.
- h. A resolution and certificate for approval by the Council with signatures of the Mayor and Clerk of any Subdivision within two (2) miles of a city requiring approval of said subdivision.
- i. The applicable fee, if any.

- j. A reproducible copy of the plat from which legible copies can be made. Sheet size shall not exceed eight and one-half inches by fourteen inches (8½" x 14")

5.11 Procedures For Review Of Final Plats.

- a. The County Zoning Administrator, upon receipt of Five (5) copies of the final plat, shall keep one copy for the Planning and Zoning Office, and forward one copy to the Board of Supervisors, County Auditor, County Engineer, and County Sanitarian, and shall schedule the plat for consideration by the Board of Supervisors.
- b. The County Engineer and County Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat for Major Subdivisions; and shall set forth their finding in writing. A copy of the findings shall be provided to the subdivider.
- c. For Major Subdivisions, if the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Board of Supervisors for review. If the plat is found not to conform to the preliminary plat, the Board of Supervisors shall refer it to the Planning and Zoning Commission for review, prior to viewing. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors within forty-five (45) days of the filing of the plat with the County Zoning Administrator. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.
- d. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and the other duly adopted plans of the County, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law.
- e. Action on the final plat by the Board of Supervisors shall be taken within sixty (60) days of the date of filing the plat with the County Zoning Administrator. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the subdivider. However, if any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Board of Supervisors shall defer final action on the plat until the Municipality has taken action. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Board of Supervisors and such decisions shall be provided to the subdivider.

5.12 Authorization To Install Improvements. The approval of the final plat shall constitute authorization by the Board of Supervisors for the installation of improvements as required by this ordinance, and as shown on the preliminary and final plat; provided no

such improvement shall be constructed or installed until and unless the plans, profiles, cross sections, and specifications for construction of such improvement designed by a licensed civil engineer have been submitted to, and approved in writing by the County Engineer.

- 5.13 Performance Bond.** The subdivider shall post a performance bond with the County, guaranteeing that improvements shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. The performance bond shall be held for a period of one (1) year from the date of acceptance of any improvements. In the event the improvements are not completed within the time specified or improvements are not completed to the standards set by the County, the bond shall be kept by the County to complete the improvements.
- 5.14 Completion And Acceptance Of Improvements.** Before the Board of Supervisors will accept the improvements, County Engineer shall report said improvements meet all County specifications and ordinances or other County requirements, and the agreements between the subdivider and the County. When improvements are determined to meet all specifications, the Board of Supervisors shall approve improvements at their regular board meeting.

ARTICLE VI: OTHER PROVISIONS

Section:

- 6.1 Variances
- 6.2 Repeal And Saving Clause
- 6.3 Severability Clause
- 6.4 Changes And Amendments
- 6.5 Ordinance Not To Limit Other Ordinances
- 6.6 Approval

- 6.1 Variances.** Where in the case of a particular proposed subdivision, it can be shown that a strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Supervisors may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. The subdivider may request a variance prior to submitting the final plat. Variance request shall be made in writing and be submitted to County Zoning Administrator for review by the Board of Supervisors. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Board of Supervisors may impose such additional conditions as is necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

- 6.2 Repeal And Saving Clause.** Ordinances in contradiction to this ordinance are hereby repealed. The repeal of said ordinance(s) shall not have the effect to release or relinquish any penalty, forfeiture, or liability under said ordinance or any part thereof. Said ordinances, and all parts thereof, shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for enforcement of such penalty, forfeiture, or liability.
- 6.3 Severability Clause.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.
- 6.4 Changes And Amendments.** This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board of Supervisors, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published according to state statute.
- 6.5 Ordinance Not To Limit Other Ordinances.** Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.
- 6.6 Approval.** This ordinance shall be effective after its final passage, approval and publication as provided by law.

Chairman, Board of Supervisors

Board Member

Board Member

Board Member

Board Member

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 035, passed by the Webster County Board of Supervisors on April 29, 2002.

County Auditor

First Hearing: April 29, 2002

Second Hearing: Waived

Third Hearing: Waived

Final Passage: April 29, 2002

Published: May 9, 2002