

CHAPTER 103 SUBDIVISIONS**Sections:**

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Section 103.1 General Provisions

SEC. 103.1.01 SHORT CHAPTER. This chapter shall be known and cited as the "subdivision regulations" of the city.

SEC. 103.1.02 PURPOSE. The subdivision regulations as set forth in this chapter are intended to provide for harmonious development of the municipality and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the comprehensive plan of the municipality; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience or prosperity; to ensure conformance of subdivision plans with the capital improvement program of the city and its planning area; and to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by sub-dividers and the planning and zoning commission and city council.

SEC. 103.1.03 JURISDICTION. The provisions of these regulations shall apply to all land located within the legal boundaries of the city, as the same may be amended by subsequent annexation, and shall also include all land lying within two miles of the city limits and not located in any other municipality.

This Ordinance is adopted under the authority Iowa State Code Section 354.9 and shall be recorded in the Office of the County Recorder and filed with the office of the County Auditor.

The standards and conditions applied by the City for review and approval of subdivisions outside the City's boundaries shall be the same standards and conditions used for review and approval of subdivisions within the City Limits. The City may by resolution waive its right

to review a subdivision outside the City boundaries or waive the requirements of any of its standards or conditions for approval of such subdivision, and certify the resolution which shall be recorded with the plat.

SEC. 103.1.04 POWERS. A plat of a subdivision of land lying within the planning area of Waverly shall not be filed or recorded until it has been submitted to, and a report and recommendation thereon made, by the planning and zoning commission to the council and the council has approved the final plat.

SEC. 103.1.05 INTERPRETATION OF REGULATIONS. In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

Section 103.2 Definitions

SEC. 103.2.01 DEFINITIONS GENERALLY. For the purpose of interpreting these regulations, certain terms are defined in this chapter. Words in the present tense include the future; the singular includes the plural and the plural includes the singular; and "shall" is mandatory and not directory.

SEC. 103.2.02 ALLEY. "Alley" means any right-of-way dedicated to vehicular travel, being sixteen and one-half feet or more but not greater than sixty feet in width, for secondary traffic.

SEC. 103.2.03 BUILDING SETBACK LINE. "Building setback line means a line indicating the minimum horizontal distance required between a building or structure and a street right-of-way line.

SEC. 103.2.04 COMMISSION. "Commission" means the planning and zoning commission of the city.

SEC. 103.2.05 COMPREHENSIVE PLAN. "Comprehensive plan" means a plan adopted or used by the council for the guidance of growth and improvements of the city and its planning area, including modifications or refinements which may be applied from time to time.

SEC. 103.2.06 CUL-DE-SAC. "Cul-de-sac" means a short street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.

SEC. 103.2.07 EASEMENT. "Easement" means a grant by the owner of the use of land to a person or persons, or the general public, for a specified purpose.

SEC. 103.2.08 ENGINEER. "Engineer" means a registered engineer authorized to practice engineering and surveying in the state.

SEC. 103.2.09 HIGHWAY. "Highway" means a major street which carries a large volume of traffic (usually state and federal routes).

SEC. 103.2.10 IMPROVEMENTS. "Improvements" means pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items for the welfare of the property owners and the public.

SEC. 103.2.11 LOT. "Lot" means a parcel of land intended as a unit for transfer of ownership or for development having its frontage upon one or more streets.

SEC. 103.2.12 LOT, CORNER. "Corner lot" means a lot fronting on two intersecting streets.

SEC. 103.2.13 LOT OF RECORD. "Lot of record" means a lot which is a part of a legal subdivision of the city, the plat of which has been recorded in the Office of the County Recorder, or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the Office of the County Recorder prior to the effective date of this ordinance codified in this chapter.

SEC. 103.2.14 THROUGH LOT. "Through lot" means an interior lot having frontage on two parallel or approximately parallel streets.

SEC. 103.2.15 MAJOR STREET PLAN. "Major street plan" means a plan, as may be adopted by the council for the guidance of alignment, function and improvements of city street, including modifications or refinements which may be made from time to time.

SEC. 103.2.16 PERFORMANCE GUARANTEE. "Performance guarantee" means a surety or cash deposit made out to the city in an amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the city council or its designate and the surety or cash deposit being legally sufficient to secure to the city that the improvements will be constructed in accordance with these regulations.

SEC. 103.2.17 PERSON. "Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, including any trustee, receiver, assignee or other similar representative thereof.

SEC. 103.2.18 PLANNING AREA. "Planning area" means the city and a two-mile surrounding area.

SEC. 103.2.19 PLAT. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision of land is presented and which the subdivider submits for approval and intends, in final form, to record.

SEC. 103.2.20 PLAT, FINAL. "Final plat" means a finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording.

SEC. 103.2.21 PLAT, PRELIMINARY. "Preliminary plat" means a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects (but not drafted in final form for recording) and the details of which are not completely computed.

SEC. 103.2.22 RIGHT-OF-WAY. "Right-of-way" means a strip of land separating private property from the street or alley existing or dedicated in public ownership.

SEC. 103.2.23 STREET. "Street" means a public thorough-fare having a right-of-way of fifty feet or more in width.

SEC. 103.2.24 STREET, COLLECTOR. "Collector street" means a street which carries traffic from a local street to a major street and is so designated on the major street plan for the city planning area.

SEC. 103.2.25 STREET, DEAD-END. "Dead-end street" means a short street having one end opened to vehicular traffic and the other end terminated, but not with a vehicular turnaround.

SEC. 103.2.26 LOCAL. "Local street" means a street which is used primarily for access to abutting properties.

SEC. 103.2.27 STREET, MAJOR. "Major street" means a street of considerable continuity connecting various sections of the city, and is so designated on the major street plan for the city planning area.

SEC. 103.2.28 SUBDIVIDER. "Subdivider" means any person, firm or corporation undertaking the subdivision or resubdivision of a tract or parcel of land for the purpose of laying out a platted addition or subdivision of land.

SEC. 103.2.29 SUBDIVISION. "Subdivision" means:

1. A division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll at the time of adoption of the ordinance codified in this chapter into three or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership;
2. The improvement of one or more parcels of land for residential; commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets;

or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities; provided, however, that any division of land for agricultural purposes into lots or parcels of five acres or more shall not be deemed a subdivision unless street dedications, easements, improvements or other public facilities are involved.

- a. This definition shall be held to include resubdivision and, when appropriate to the context, relate to the process of subdividing or to the land or territory subdivided.

SEC. 103.2.30 SUBDIVISION, MAJOR. "Major subdivision" means any subdivision other than a minor subdivision.

SEC. 103.2.31 SUBDIVISION, MINOR. "Minor subdivision" means a subdivision in which no land is dedicated for street purposes other than street widening.

SEC. 103.2.32 SURVEYOR. "Surveyor" means any person registered to practice surveying in the state.

Section 103.3 Procedural Requirements

SEC. 103.3.01 PREAPPLICATION. Prior to the subdivision of any land, the subdivider or subdivider's agent shall prepare a sketch plan and shall discuss informally with the city administrator the property proposed for subdivision, with reference to these subdivision regulations and procedures, zoning regulations and controls, and the city's comprehensive and major street plans.

SEC. 103.3.02 PRELIMINARY PLAT APPROVAL. The subdivider shall cause to be prepared a preliminary plat of any proposed subdivision and shall submit paper and electronic copies of the preliminary plat to the commission for its study and approval. The preliminary plat shall contain such information and data as is outlined in Section 103.4.01.

1. The appropriate city officials, shall also examine the proposed plat in terms of its compliance with all laws and regulations of the city, the existing street system, and sound engineering practices, and shall at next commission meeting scheduled within not less than 15 days, submit its findings to the commission.
2. The commission, upon receiving the city officials' report, shall conclude its study of the preliminary plat and shall recommend approval or disapproval of the preliminary plat to city council, within sixty days. Approval of the preliminary plat by the commission expires at the end of twelve months unless a final plat has been approved.

3. Upon approval of the preliminary plat by the city council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications.
4. However, approval of the preliminary plat by the council is revocable and does not constitute final plat approval of the subdivision by the city council or the council's authorization to proceed on construction of improvements within the subdivision.

SEC. 103.3.03 FINAL PLAT APPROVAL. Prior to submitting the final plat to the commission for its approval, the subdivider shall furnish all data and information as listed in Section 103.4.02 necessary for a detailed engineering consideration of the improvements required. A plat meeting the minor subdivision requirements will be required to provide only such information as required by the city administrator.

1. For final plat approval, the subdivider shall submit to the city.
 - a. Paper and electronic of the final plat;
 - b. Copy of restrictive covenants;
 - c. One copy of the certified approved plans, profiles, cross-sections and specifications;
2. The commission shall approve or disapprove the final plat within 60 days after the date of submission thereof to the commission, unless the applicant consents to a time extension. Approval of the commission shall be endorsed in writing on the final plat by a dated signature of the chairman and secretary. No action by the commission within 60 days shall construct approval by the commission.
3. Approval of the final plat by the commission is revocable and does not constitute final approval or acceptance of the subdivision by the city council.

SEC. 103.3.04 FINAL PLAT ACCEPTANCE.

1. When the final plat has been passed favorably by the commission, 10 copies of the final plat shall be transmitted to the city council together with a certificate showing the action of the commission and the performance guarantee.
2. The final plat submitted to the council shall be approved or disapproved within 45 days after submission thereof; provided, however, that the applicant for the approval may consent to the extension of such period. The grounds of disapproval of a final plat shall be stated upon the records of the council.

3. When the final platting proceedings have been approved by the city council, the performance guarantee accepted, and seven copies delivered to the city clerk, one certified copy shall be provided to the subdivider for filing with the county recorder.
4. If the final plat is not duly recorded within six (6) months after approval by the council, the plat shall be considered null and void.
5. Approval of the final plat by the city council shall not be deemed to constitute or effect an immediate acceptance by the city or county of any dedication of any street or other public ground shown on the final plat. (See Section 103.7.19.)
6. Upon receipt of the duly certified copies of the final plat, the city administrator shall transmit copies of the plat, upon which have been placed the official lot and block numbers as determined by the council, to all local public utility companies.
7. Receipt of the duly certified final plat by the subdivider is authorization that he may proceed with the installation and construction of the required improvements. No work shall be done on the subdivision and no lots shall be sold prior to the subdivider's receipt of the duly certified final plat, unless with the written approval authorized by the city council.
8. The city council will return the performance guarantee to the subdivider upon its certification of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the city council or county supervisors. Prior to this certification, the subdivider shall also file with the city council plans, profiles and cross-sections of the required improvements as they have been built.

Section 103.04 Plat Specifications

SEC. 103.4.01 PRELIMINARY PLAT SPECIFICATIONS. The preliminary plat shall be drawn to a scale of one inch to one hundred feet or larger; shall be plainly marked "preliminary plat," and shall include, show or be accompanied by the following information:

1. The proposed name of the subdivision, which must not be so similar to that of an existing subdivision as to cause confusion;
2. The names and addresses of the owner and subdivider, and the engineer, surveyor or landscape architect responsible for the survey or design;
3. The legal description of the area being platted;

4. The boundary line (accurate in scale), dimensions and location of the property to be platted, and the location of section lines; contours, with intervals of five feet or less; and the approximate acreage of the property to be platted;
5. A date, scale and north point, and a key map showing the general location of the proposed subdivision in relation to surrounding development;
6. The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land;
7. Location of property lines and the width and location of platted streets or alleys within or adjacent to the property; physical features of the property, including location of watercourses, ravines, bridges, culverts, present structures and other features affecting the subdivision; and the location of all existing utilities with their sizes indicated. The outline of wooded areas or the location of important individual trees may be required;
8. The layout or location, number or names, and dimensions or widths of all proposed lots, of all building setback lines and easements, and of all streets, alleys and grounds proposed to be dedicated for public use;
9. The location and width of proposed streets, roads, lots, alleys and other features, and their relation to streets and alleys in adjacent subdivisions. If there are no adjacent subdivisions, then the key map shall show the location and distance to adjoining land and how the streets, alleys or highways in the subdivision offered for approval may connect with those in the adjoining properties;
10. Where a tract of land proposed for subdivision is part of a larger logical subdivision unit under ownership of the subdivider, the commission may require the subdivider to have prepared a proposed plan of the entire area, such plan to be used by the commission and the council as an aid in further judging the proposed plat;
11. The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated;
12. Written and signed statements of the appropriate officials, obtained by the developer, of the availability and planning for gas, sewer (storm and sanitary), electricity and water to and inside the proposed subdivision;
13. Any restrictive covenants proposed to be included in the owner's declaration of plat.

SEC. 103.4.02 FINAL PLAT SPECIFICATIONS. The final plat shall be legibly drawn at a scale of one inch to one hundred feet and in ink on a suitable permanent base as specified by the city council. The final plat shall include, show or be accompanied by the following information:

1. The chapter under which the subdivision is to be recorded;
2. The name or names of the owners and subdividers;
3. A date, scale and north point (and a key map showing the general location of the proposed subdivision);
4. The legal description of the area being platted;
5. Accurate distances and bearings of all boundary lines of the subdivision, including all sections and U.S. Survey and Congressional township lines;
6. Centerlines of all proposed and adjoining streets with their right-of-way widths and names;
7. Lines of all lots with systematic method of numbering to identify all lots and blocks;
8. All building setback lines and all easements provided for public service, together with their dimensions and any limitations of the easements;
9. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot;
10. All radii, arcs, points of tangency, central angles and lengths of curves;
11. All survey monuments and benchmarks, together with their description;
12. Certification by a surveyor or engineer to the effect that the final plat represents a survey made by him, and that all the necessary information is correctly shown thereon;
13. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivisions;
14. Private restrictive covenants and their period of existence, if any;

15. A certification of approval by the health officer of the city, county or state (whichever is applicable) where public water and public sewer are not available;
16. Construction drawings with sewer and water profiles, cross-sections and specifications subject to certification and approval of the city council;
17. A waiver of claim for damages occasioned by the establishment of grades or the alteration of any portion of the land surface to conform to the grades so specified by the city council;
18. The estimated cost of all improvements for determination of the amount of the performance bond shall be made by the subdivider's engineer and shall be subject to review, approval and certification by the city council;
19. Signature and date spaces for approval of the commission chairman and secretary and also the mayor and city clerk, along with a space for the chairman of the respective board of county supervisors if the subdivision is outside the city limits.

Section 103.5 Miscellaneous Provisions

SEC. 103.5.01 CONFORMANCE TO THE COMPREHENSIVE PLAN. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to best conform with any recommendations of the comprehensive plan. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

SEC. 103.5.02 CONFORMANCE TO THE MAJOR STREET PLAN. Unless otherwise approved by the commission and council, provision must be made for the extension of major and collector streets as shown on the major street plan of the city, and local streets must provide free circulation within the subdivision.

1. The system of streets designated for the subdivision, except in unusual cases, must align with streets already dedicated in adjacent subdivisions, and, where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivisions, and must be continued to the boundaries of the tract subdivided so that other subdivisions may connect therewith.
2. Right-of-way providing for the future opening and extension of such streets as outlined in subsection 1 of this section may, at the discretion of the commission, be made a requirement of the plat.
3. Off-center street intersections will not be approved except in unusual cases.

4. In general, streets shall be of a width at least as great as that of the streets so continued or projected.
5. Local streets shall be arranged so as to discourage through traffic.

SEC. 103.5.03 ACREAGE SUBDIVISIONS. Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent collector and local streets.

SEC. 103.5.04 ACCESS. Every lot within a subdivision shall front on a publicly dedicated street, except as provided for in Chapter 100 of this code.

SEC. 103.5.05 SUITABILITY OF THE LAND. Land subject to flooding, improper drainage and erosion, or any land deemed to be topographically unsuitable for residential use, may be platted but not used for residential occupancy or any other uses unless measures are taken to diminish the danger to health, safety, life and property as approved by the city council.

Section 103.6 Design Standards

SEC. 103.6.01 STREETS AND ALLEYS.

1. The location and right-of-way widths for streets shall conform to the major street plan and to all subsequent amendments or additions thereof, as adopted by the city council. Minimum design standards for street installation shall conform to "A policy on Geometric Design of Highways and Streets," latest edition published by the American Association of State Highway and Transportation Officials (AASHTO).

2. Classification Table.

	<u>Right-of-Way</u> (min. ft.)	<u>Horizontal</u> <u>Radius</u> (min. ft.)	<u>Tangents</u> (min. ft.)
Arterial/Major St.	100	1000	500
Collector/Industrial St.	70	350	200
Local/Residential St.	60	150	100

3. A street centerline which deflects more than two degrees shall be connected by a curve with a horizontal radius, in accordance with subsection 2 of this section.

4. The length of street centerline tangents between reverse curves shall be in accordance with subsection 2 of this section.
5. The minimum right-of-way width of an alley in a residential block when required because of unusual conditions shall be twenty feet. A ten foot cut-off shall be made at all acute and right-angle alley intersections. Dead-end alleys shall be prohibited.
6. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of all rear lot lines and side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utilities.
7. To the degree possible depending on individual circumstances, acceptance of proposed plats shall include right-of-way dedications or supplemental right-of-way dedications which will adhere to the standards in this section.
8. No dedication of a half street will be permitted unless by special approval of the city council. If said special approval is granted, the dedicated half street shall not be less than forty feet in width, and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated.
9. No dead-end streets shall be approved unless the streets are provided to connect with future streets in adjacent land and are dedicated to the city.
10. Reserve strips controlling access to streets are prohibited, except where control of such strips is placed with the city.
11. Cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connected streets. Cul-de-sacs shall provide proper access to all lots, shall not exceed five hundred feet in length, and shall be terminated with a turnaround having a minimum right-of-way radius of sixty feet.
12. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than sixty degrees. The intersection right-of-way lines at all street intersections shall be rounded by a minimum radius of twenty feet, unless a greater radius is required by the council. Detailed designs of intersections may be required.
13. Street jogs with centerline offsets of one hundred twenty-five feet or less shall not be permitted.

SEC. 103.6.02 BLOCKS.

1. Residential blocks shall not be less than three hundred feet nor more than twelve hundred feet in length, except as the council considers necessary to secure efficient use of land or to achieve desired features of the street system. In blocks over eight hundred feet long, the council may require public crosswalks across the block. Such crosswalks shall have a minimum easement width of ten feet.
2. Residential blocks shall be deep enough to provide two tiers of lots of at least minimum depth, except where prevented by topographical conditions or size of the property, in which case the commission may recommend a single tier of lots of at least minimum depth to the city council.
3. Blocks for commercial use should generally not exceed five hundred feet.

SEC. 103.6.03 LOTS.

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography, drainage, sanitation and the character of adjacent development.
2. Insofar as practical, side lot lines shall be perpendicular or radial to street right-of-way lines.
3. The size, shape and orientation of every lot shall be subject to approval of the council for the type of development and use contemplated. No lot shall be more than four times as deep as it is wide, nor shall any lot average less than one hundred feet deep.
4. The minimum dimensions for lots shall conform to Chapter 100 of this code unless the council, for special reasons, including absence of utilities, approves otherwise.
5. Lot widths shall be measured at the minimum building setback line as specified by front yard requirements indicated in Chapter 100 of this code.
6. New lots shall have a minimum width as indicated in Chapter 100, except in such cases as dead-end streets or cul-de-sacs, where the commission may recommend modifications according to Section 103.8.01.
7. Corner lots shall be at least fifteen feet wider than the minimum lot width, as cited in Chapter 100, in order to allow for side building setback lines.

8. Double frontage lots shall be prohibited, except that the council may approve said frontage lots where it is essential to provide separation of residential development from major traffic streets or to overcome specific disadvantages of topography.
 - a. Building setback lines shall be established on both frontages.
 - b. A ten foot buffer easement may be required along the lot lines abutting such major street or disadvantageous uses such as railroads and there shall be no right of access across the buffer easement, thus eliminating traffic conflict onto major streets.
9. Building setback lines shall be shown on all lots intended for residential, commercial and industrial uses. Such building lines shall not be less than the requirements of applicable district in Chapter 100.
10. Size, shape and arrangement of commercial and industrial lots, where platted, shall be subject to the approval of the council.

SEC. 103.6.04 EASEMENTS.

1. Where there are no street or alleys, easements of at least five feet in width shall be provided on each side of all rear lot lines and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, or other utilities. When the subdivider does not own adjoining land and cannot obtain an additional easement of five feet in width from the adjoining owner, a minimum easement of ten feet in width shall be provided.
2. An adequate easement may be dedicated along all well-defined watercourses for the purpose of widening, deepening, sloping, improving or protecting the stream for future drainage purposes.

SEC. 103.6.05 DRAINAGE.

1. Grading shall be designed so that all surface water shall be conducted to a street storm sewer or to a natural watercourse.
2. No watercourse shall be altered so as to divert surface drainage from one watershed to another. No obstruction shall be permitted in natural watercourses, unless the obstruction meets with the approval of the city council. All watercourses shall be designed and improved by the subdivider.

3. The development of areas subject to periodic flooding, poor drainage or other unsuitable physical conditions is prohibited unless rendered suitable by satisfactory improvements.
4. Developers, contractors, or owners of property who are constructing improvements that require storm water management permits from the Iowa Department Natural Resources shall provide the City of Waverly Public Works Department:
 - a. A copy of the Iowa Department of Natural Resources Natural Pollutant Discharge Elimination System (NPDES) application.
 - b. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and any revisions or amendments to said document.
 - c. A copy of all correspondence with the IDNR relating to the NPDES permit.
 - d. A copy of all storm water construction site inspection reports.

The above information provided to IDNR shall be copied to the City.
Construction site inspection reports shall be available to the City upon request.

SEC. 103.6.06 RESTRICTIVE COVENANTS. Where any restrictive covenants are anticipated in a proposed subdivision which do not assist orderly, efficient, integrated development, promote the public health, safety and general welfare of the community, or are inconsistent with the comprehensive plan or major street plan, the city council may deem these grounds for disapproval of the subdivision plat.

SEC. 103.6.07 PARKLAND DEVELOPMENT. Because new residential development benefits from the existing city park system and because new residential development contributes to the use and demands upon the park system developers of all new residential subdivisions in the City of Waverly shall contribute to the development and support of public parks and playgrounds within the City as provided in this section.

1. Cash donations to the city shall be required of developers of residential subdivisions, planned developments, or factory built home developments smaller than 20 acres in accordance with the following schedule:
 - a. For each lot in an R-1 zoning district \$300.00.
 - b. For each lot in an R-2 zoning district \$600.00.

- c. For each acre of R-3/ R-4 zoning, Planned Development or factory built home development - \$900.00. The fee is based upon the gross acreage of the developed area excluding public right-of-way and undevelopable drainage detention areas.

The foregoing cash donation shall be paid at the time final plat or plan approval by City Council and held in a separate account for the purchase of parkland or park improvements.

In addition, for each living unit of R3 and R4 zoning, \$100.00 shall be payable at the time of issuance of a building permit.

2. The city may in its sole discretion in lieu of cash donation require the developer of a new residential subdivision in the City to donate to the city not less than 5% of the gross area of all properties subdivided to be dedicated to public use for parks or playgrounds. The land donation required in lieu of cash shall be 5% of the gross area of the planned development district. The location of the property donated shall be subject to approval by the City and the fair market value of the dedicated property at the time of platting shall not be less than the cash donation requirement that would be required from the developer under subsection 1 of this section.
3. Land donation for residential subdivisions of 20 acres or more shall be not less than 5% of the gross area of all properties subdivided to be dedicated to the public use of parks and playgrounds. The location of the property donated shall be subject to approval by the City and the fair market value of the dedicated property at the time of platting shall not be less than the cash donation requirement that would be required from the developer under subsection 1 of this section.

In case that dedicated land does not fit into the Public Parks and Playgrounds Plans or the land use is deemed inappropriate, then cash may be required according to the fee schedule in subsection 1 of this section.

4. Donations of cash or land shall be reviewed by the Leisure Services Commission and the Planning and Zoning Commission, and approved by the City Council.
5. In the event a subdivision or planned development that has been assessed a parkland development fee within the previous 10 years is replatted or rezoned to increase the numbers of lots or family units in the subdivision or planned development from the number of lots upon which parkland fees were originally assessed, the owner of the effective lots shall pay parkland dedication fees in accordance to subsection 1 for each additional lot or family unit.
6. This ordinance will be reviewed in the year 2000 and each five years thereafter.

Section 103.07 Improvements

SEC. 103.7.01 AUTHORIZATION. Before the final plat of any subdivided area is accepted by the commission and approved by the council, the subdivider shall guarantee the construction of all improvements in accordance with the approved plans and specifications and insure completion of the improvements within a specified time, as determined by the city council.

1. Receipt of the signed copy of the preliminary plan by the commission is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements that will be required. Prior to the construction of any improvements the subdivider shall furnish the city council all such plans, information and data necessary for the construction of the improvements. These plans shall be examined by the city council and will be approved, if in accordance with the necessary requirements and existing city policy.

SEC. 103.7.02 UNAPPROVED STREETS. The city shall not accept, lay out, open, improve, grade, pave, curb or light any street, or lay or authorize water mains or sewers or connections to be laid in any street, within any portion of the planning area, unless such street has been accepted or opened as or has otherwise received the legal status of a public street, unless such street corresponds with a street on a subdivision plat approved by the council. The council may accept any street not shown on or not corresponding with a street on the comprehensive plan or on any approved subdivision plat or an approved street plat, provided the ordinance or other measure accepting such street is first submitted to the council for its acceptance and ultimate responsibility for maintenance according to subsequent capital improvements program.

SEC. 103.7.03 APPROVED STREETS. Streets shall be constructed or reconstructed on approval of the respective level of government and according to the provisions set forth in Sections 103.7.04 through 103.7.07.

SEC. 103.7.04 STREET GRADING. Streets shall be graded to the full width of the right-of-way, and shall be filled, excavated or constructed in accordance with specifications adopted by the council.

SEC. 103.7.05 ROADWAY SURFACE. Roadway surfacing widths shall be in conformance with the minimum standards as set to approval by the city council with minimum specifications listed hereafter:

1. Classification table.

	Surface Width (minimum feet)	Surface Type (minimum)
Arterial / Major Street	31	Concrete or Asphalt
Collector / Industrial Street	37	Concrete or Asphalt
Local / Residential Street	29	Concrete or Asphalt

Minimum geometric design standards shall conform to AASHTO as noted in Section 103.6.01 (1).

2. Streets not intended for paving shall have a minimum gravel or crushed rock surface thickness of not less than ten inches, if required by council and/or board of county supervisors.
3. Street surface intersections shall be rounded by an arc, the minimum radius shall be twenty-five feet or the shortest distance from pavement to the nearest property line. Where streets meet at acute angles, the foregoing minimum radii may be increased based on a review by the City Council or Board of County Supervisors.
4. The surface area in a cul-de-sac shall be constructed with a radius of not less than the minimum surface width of the street.
5. Higher standards for the surfaces of streets serving commercial and industrial areas may be required.

SEC. 103.7.06 CURBS AND GUTTERS. Curbs and gutters shall be required on all streets. A standard curb and gutter section shall be constructed in accordance with city standards and specifications.

SEC. 103.7.07 SIDEWALKS. Sidewalks shall be provided in the City in all **new** subdivisions and shall be located parallel to and at least twelve (12) inches within the street right-of-way line **and shall be a minimum of four feet wide.** The sidewalk installation shall be completed by the current property owner at the time of home or building construction and prior to the issuance of a **final** occupancy permit.

The City Council shall review the areas in subdivisions of uninstalled sidewalk on a cyclical basis at which time the City Council can direct the installation of the sidewalks at the current property owner's expense. Costs shall be billed to the property owner and if not paid within 30 days said unpaid costs shall be assessed against the property. The first City Council review shall be four (4) years following **acceptance of final improvements** final plat approval and every two (2) years thereafter.

Sidewalk completion in existing subdivisions shall be reviewed by the City Council on a cyclical basis every two years following the effective date of this ordinance.

SEC. 103.7.08 WATER DISTRIBUTION. Where the city water system is within five hundred feet of a proposed subdivision and along an accessible easement or street right-of-way, the subdivider shall install or have installed a system of water mains and connect the supply, in accordance with city water main extension policy, providing:

1. A connection to each lot shall be installed prior to the paving of the street.
2. The council may require the installation of water mains which are in excess of the subdivision design needs. In this event the subdivider shall be responsible for all costs of water main installation attributable to installing mains up to eight inches in diameter. The city shall be responsible for costs in excess of eight inch main installation.
3. The council may require, for future connection, installation of water mains and a system in conformity with the city water system although the subdivision is not actually connected to the same.
4. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one acre and minimum lot width of one hundred feet. The design of any such system shall be subject to the approval of the county health officer. The water system should also meet city standards to permit connection to the city system.
5. Where it is feasible and practical for an adequate private water supply to be made available for every lot, the subdivider shall present evidence to this effect and include deed restrictions on the final plat requiring any such individual water supply system to comply with the requirements of the State Department of Health.

SEC. 103.7.09 SANITARY SEWAGE DISPOSAL. Where a public sanitary sewer is within five hundred feet of the subdivision and along an accessible easement or street right-of-way, the subdivider shall connect with the sewer and provide a connection to each lot, providing:

1. Such sanitary sewage system shall be installed prior to the installation of the street pavement.
2. The council may require the installation of sanitary sewer lines which are in excess of the subdivision design needs. In this event the subdivider shall be responsible for all costs of sewer main installation attributable to installing mains up to eight inch diameter. The city shall be responsible for costs in excess of eight inch sewer mains.
3. Where a public sanitary sewer is not accessible, each lot in the subdivision shall be serviced by either a disposal plant system or a septic tank with proper provision for the maintenance thereof. Any lot so serviced shall have a minimum area of one acre and minimum lot width of one hundred feet. The design and location of either system shall be subject to the approval of the State Department of Health, or county health officer, whichever is applicable.
4. Where it is feasible and practical for an adequate sewage disposal system to be made available for every lot, the subdivider shall present evidence to this effect and include deed restrictions on the final plat requiring any such individual sewage disposal system to comply with the requirement of the State Department of Health.

SEC. 103.7.10 STORM DRAINAGE. Adequate provision shall be made for the drainage of storm water providing adequate storm drainage system may be required in accordance with the following:

- | | | |
|----|--------------------------|--|
| 1. | <u>Classification</u> | <u>Storm Drainage
(minimum type)</u> |
| | Arterial/Major St. | Curb/Gutter |
| | Collector/Industrial St. | Curb/Gutter |
| | Local/Residential St. | Curb/Gutter |
2. Storm sewers shall be installed prior to the installation of the street pavement.
 3. The council may require the installation of storm sewer lines which are in excess of the subdivision design needs and mutually establish with the subdivider a pro rata distribution cost to be shared by the city or other persons and the subdivider.

4. Where a natural watercourse intersects a street, a bridge or culvert shall be installed for the full width of the right-of-way and shall be constructed in accordance with the city standards and specifications adopted by the council subject to the rights of adjoining property owners if applicable.
5. Where driveway culverts are to be installed on major, collector and local streets, they shall have a minimum length of twenty feet, extend a minimum of four feet beyond the outer edge of each shoulder, and shall be constructed in accordance with the standards and specification adopted by the council.
6. Whenever drainage ditches are used, such ditches shall retain natural topographic characteristics and be so designed that they do not present a hazard to health, safety, life or property.
7. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot.
8. No lot shall be platted to obstruct the natural water flow.

SEC. 103.7.11 OTHER UTILITIES.

1. All utilities to be installed in a public right-of-way shall be located in the grass plat between the curb line or edge of pavement and the street right-of-way line. If stubs to the property line are not installed then connections between the lots and the utility ines shall be made without breaking into the wearing surface of the street.
2. All extensions and installations of all other utilities shall be in accordance with current city policy as exists at the time of installation or extension of the particular utility.
3. All other utilities including electrical, telephone and cable television shall be installed underground.

SEC. 103.7.12 FIRE HYDRANTS. Fire hydrants shall be placed so that no lot in a residential subdivision is more than three hundred feet from two fire hydrants, the distance to be measured along street lines, provided water mains are available. The council in the city may require special spacing in commercial and industrial districts.

SEC. 103.7.13 MONUMENTS. All subdivision boundary corners, points of curvature, angles and intersections of street centerlines shall be marked with permanent monuments subject to the approval by the city council, according to the following minimum provisions:

1. Monuments shall be of concrete at least four inches in diameter or square, four feet long, with a flat top. Top of monument shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the finished grade.
2. All lot corners shall be marked with metal pins not less than 5/8 inch in diameter and thirty inches long and driven so as to be flush with the finished grade.
3. Installation of monuments and pins shall be certified by a surveyor. Where circumstances prohibit the installation of monuments or pins at the time of filing the final plat, a written certification by the owner shall be included on the plat stating that no lot will be sold until the monuments or pins are placed by a surveyor.
4. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.C. and G.S. datum and accurately noted on the subdivision plat.

SEC. 103.7.14 LOT CONDITIONS. The owners of lots, including the subdivider, shall be responsible for keeping the lot mowed and free of weeds and debris, and no improvements in the subdivision shall be accepted by the city council until a performance guarantee is entered into by the city and the subdivider for the maintenance and mowing of any unsold lots which are still owned by the subdivider. Any unsold lots shall be graded so as to be suitable for mowing with a rotary mower.

SEC. 103.7.15 OTHER IMPROVEMENTS. The council may require the installation of other recommended improvements, constructed in accordance with standards and specifications as approved and adopted by each group.

SEC. 103.7.16 CONSTRUCTION SPECIFICATIONS. All subdivision improvements shall be constructed in accordance with the standards and specifications of the State of Iowa where, state specifications are more restrictive than from city specifications, or where there are no city specifications.

SEC. 103.7.17 CONSTRUCTION INSPECTION. Inspection shall be required for water main systems, sanitary sewer systems, storm sewers, curbs, gutters, subgrade, pavement and sidewalks and other improvements as required.

1. The city council shall designate the appropriate department to be responsible for the inspections.

2. The subdivider shall notify the designated department one week prior to the start of the construction, and upon completion of the improvements and the subdivider shall notify the department in writing.

SEC. 103.7.18 CONSTRUCTION GUARANTEE. The subdivider shall provide one of the following guarantees for the completion of improvements subject to approval by the council according to the following procedures:

1. **Subdivision Bond.** The subdivider shall post with the city council a bond equal to the city council's approved estimate of the cost of construction, in favor of the council, guaranteeing satisfactory completion of all improvements, whether within the city or planning area, in a period not exceeding two years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the state.
2. **Cash Bond.** The subdivider shall deposit in cash on the order of the city council an amount equal to the city council's approved estimate of the cost of construction of all improvements. Progress payments may be made to the subdivider or his contractor, as work progresses on the written order of the city council.
3. **Letter of Credit.** Subject to discretionary prior approval of the city council, the subdivider shall deliver to the city council an irrevocable specific letter of credit of an Iowa bank holding forth to the draw of the city a sum equal to the city council's approved estimate of the cost of construction.
4. **Guarantee Certificate.** A final plat shall contain a guarantee by the subdivider that he will complete at his own expense all required improvements in accordance with approved plans and specifications within a period of two years after approval of the final plat.

SEC. 103.7.19 IMPROVEMENT ACCEPTANCE. The subdivider, upon completion of all the improvements, shall request in writing a final inspection by the inspector, and including the following:

1. The inspector shall make a final inspection of all streets, utilities and other improvements as required.
2. The subdivider shall maintain road improvements, water improvements, sewer improvements for four years, and all other improvements for two years after completion as verified by the inspection. Maintenance shall be guaranteed by cash deposited with the city council or by the posting of a maintenance bond in favor of the city council both in the amount of ten percent of the estimated cost of the improvements.

3. The city council, may by resolution accept streets, easements, other public lands, sanitary sewer facilities and other improvements after receipt of a written notice of a satisfactory final inspection and the posting of a maintenance guarantee by the subdivider.

Section 103.8 Exceptions and Modifications

SEC. 103.8.01 MODIFICATIONS. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the city council, after report by the commission, may vary, modify or waive the requirements so that substantial justice may be done and the public interest may be secured; provided, however, that such variance, modification or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision, will not have the effect of nullifying the intent and purpose of the regulations, and will not interfere with carrying out the comprehensive plan of the planning area of the city.

SEC. 103.8.02 APPROVAL. In granting variances and modifications, the city council may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified. Such variances and waivers may be granted only on the affirmative vote of five (five-sevenths) of the members of the city council.