

GENERAL PROVISIONS

1 ARTICLE ONE – GENERAL PROVISIONS

1-1 Title

This Ordinance shall be known as the Subdivision Ordinance of the City of Storm Lake.

1-2 Authority and Purpose

a. Authority

This Ordinance is adopted pursuant to the authority granted the City of Storm Lake under Chapter 354, Code of Iowa, enabling cities to regulate the development of land within their jurisdictions and to promote good planning practice.

b. Purposes

The purposes of this Chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Storm Lake and its surrounding jurisdiction.
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
4. Avoid excessive costs to the taxpayers of Storm Lake or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
5. Protect the unique environment of the City of Storm Lake by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
6. Provide the City of Storm Lake with the ability to grow incrementally through the eventual annexation of land for new development served by municipal utilities.

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1-3 Relationship to the Comprehensive Plan

- a. The City of Storm Lake intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this Ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into conformance with the plan.
- b. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Storm Lake's Capital or General Fund Budget.

1-4 Jurisdiction and Applicability

- a. The provisions of this chapter shall be applicable to the subdivision of, or filing of plats of survey of all property within the corporate limits of the City of Storm Lake and within two miles of the corporate limits as provided by Chapter 354.9 of the Code of Iowa.
- b. No owner of real property within the City of Storm Lake and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance.

1-5 Amendment

When necessary, this Ordinance may be amended through public hearing and recommendation by the Planning and Zoning Commission to the City Council. The City Council shall consider the amendment at its next regularly scheduled meeting.

1-6 Fees

The City Council of the City of Storm Lake shall establish fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this Ordinance. Fees shall be reviewed and established by resolution on an annual basis.

1-7 Enforcement

The Zoning Administrator shall enforce the provisions of this Ordinance and shall bring violations or lack of compliance to the attention of the Planning and Zoning Commission, City Council, or other

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appropriate agency.

1-8 Penalties

a. Violation and Penalty

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use permits) shall constitute a municipal infraction, subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa.
2. An owner, developer, or subdivider of property may each be found guilty of a separate offense and suffer the penalties provided in this section.
3. Notwithstanding this section, the City and the Zoning Administrator shall have the right to take any lawful action necessary to prevent or remedy any violation of this Ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

1-9 Interpretation, Conflict, and Severability

- a. The Subdivision Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Storm Lake, or any applicable State or Federal law, the more restrictive provision shall apply.
- b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, conditional use permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.
- c. If any chapter, section, subsection, clause, or phrase of this Subdivision Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any other section of the City of Storm Lake's Zoning Ordinance.