

TABLE OF CONTENTS

ARTICLE I: GENERAL PROVISIONS 2

 SHORT TITLE 2

 PURPOSE 2

 APPLICATION..... 2

 RECORDING OF PLAT 2

 FEES ESTABLISHED 2

 PENALTIES 3

 ZONING COMPLIANCE PERMIT TO BE DENIED..... 3

ARTICLE II: DEFINITIONS..... 4

 TERMS DEFINED..... 4

ARTICLE III: IMPROVEMENTS 8

 IMPROVEMENTS REQUIRED 8

 INSPECTION 8

 MINIMUM IMPROVEMENTS..... 8

 EASEMENTS REQUIRED 12

 MAINTENANCE BOND REQUIRED 13

ARTICLE IV: MINIMUM DESIGN STANDARDS FOR SUBDIVISIONS..... 14

 STANDARDS PRESCRIBED..... 14

 LAND SUITABILITY 14

 LANDS SUBJECT TO FLOODING..... 14

 PLAT TO CONFORM TO COMPREHENSIVE AND OTHER PLANS..... 15

 CONSTRUCTION STANDARDS FOR IMPROVEMENTS 15

 STREET STANDARDS 15

 BLOCK AND LOT STANDARDS 17

 PARK AND OPEN SPACE 18

 PARK AND SCHOOL SITES RESERVED 18

ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS..... 19

 PRE-APPLICATION CONFERENCE..... 19

 SKETCH REQUIRED..... 19

 PRESENTATION TO THE PLANNING COMMISSION 19

 PLATS REQUIRED 19

 REQUIREMENTS OF THE PRELIMINARY PLAT 20

 PROCEDURES FOR REVIEW OF PRELIMINARY PLAT 21

 DURATION OF APPROVAL OF THE PRELIMINARY PLAT 22

 AUTHORIZATION TO INSTALL IMPROVEMENTS 23

 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS 23

 PERFORMANCE BOND PERMITTED 23

 REQUIREMENTS OF FINAL PLAT 23

 ATTACHMENTS TO THE FINAL PLAT 25

 PROCEDURES FOR REVIEW OF FINAL PLAT..... 26

ARTICLE VI: OTHER PROVISIONS..... 27

 VARIANCES 27

 SERVERABILITY CLAUSE 27

 CHANGES AND AMENDMENTS..... 27

 ORDINANCE NOT TO LIMIT OTHER ORDINANCES 27

 APPROVAL 28

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND PRESCRIBING MINIMUM STANDARDS FOR PREAPPLICATION AND THE PRELIMINARY AND FINAL PLATS THEREOF; PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING PENALTIES FOR VIOLATION OF SUCH ORDINANCE. THIS ORDINANCE IS IN CONFORMANCE WITH CHAPTER 354 OF THE CODE OF IOWA.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DICKINSON COUNTY, IOWA.

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 shall be known as the "Subdivision Ordinance" of Dickinson County, Iowa.

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

1.3 APPLICATION: Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into three (3) or more parts, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage, or suburban lots within Dickinson County, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

1.4 RECORDING OF PLAT: No subdivision plat, resubdivision plat, or street dedication within Dickinson County, Iowa, shall be filed for record with the County Recorder, until 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 County Board of Supervisors, it shall be the duty of the 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 County Board of Supervisors within the same thirty (30) days.

1.5 FEES ESTABLISHED: The Board of Supervisors shall, from time to time establish by resolution, fees for the review of plats. No plat for any subdivision or resubdivision shall be considered for review at a preliminary plat conference, unless and until said plat is accompanied by the fee, as provided by this ordinance or resolution.

- 1.6 **PENALTIES:** The violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person who shall dispose of or transfer title for sale 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 one hundred dollars (\$100.00) per day of violation and/or thirty days in jail, to the County for each lot or part of lot 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, parcel, or tract, where a subdivision is required by this ordinance, 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 words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term "shall" is always mandatory, and the term "may" is permissive.

Access Street: A street that is adjacent to a major thorough-fare or highway; and which provides access to abutting properties and protection from through traffic.

Acquisition Plat: The graphical representation of the division of land or rights in land, created as a 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.

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.

Alley: Public property dedicated to public use primarily for vehicular access to back or side of properties otherwise abutting a street.

Auditor's Plat: An official subdivision plat required by either the Auditor or Assessor, prepared by a surveyor under direction of the Auditor to clarify property descriptions for the purposes of assessment and taxation.

Block: An area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

Board: The Dickinson County Board of Supervisors.

Building Line: A line established by this Ordinance and/or the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings or structures, as provided elsewhere in the Ordinance, may be located.

County Engineer: The licensed engineer registered in the State of Iowa designated as County Engineer by the Board of Supervisors.

Comprehensive Plan: The general plan for development of the community, that may be titled the "Master Plan", "Comprehensive Plan", or some other title, which has been adopted by the Board of Supervisors. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

Conveyance: An instrument filed with the Recorder as evidence of the transfer of title to land, including any form of deed or contract.

Cul-de-Sac: A street having one end connecting to another street, and the other end terminated by a vehicular turn around.

Division: Dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this ordinance.

Easement: An authorization by a property owner for another to use a designated part of his property for a specified purpose.

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 Iowa Department of Natural Resources or the Federal Insurance Administration.

Floodway: The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the water surface elevation more than one (1) foot.

Forty-Acre Aliquot Part: One-quarter of one-quarter of a section.

Governing Body: The Board of Supervisors of the Dickinson County, Iowa.

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.

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.

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

Lot, Corner: A "corner lot" is a lot situated at the intersection of two streets.

Lot, Double Frontage: A "double frontage lot" is any lot that is not a corner lot that abuts two streets.

Metes and Bounds Description: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

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.

Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

Parcel: A part or tract of land.

Permanent Real Estate Index Number: A unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

Planning Commission: The appointed commission designated by the Board of Supervisors for the purpose of this ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

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

Plats Officer: The individual assigned the duty to administer this ordinance by the Board of Supervisors, and may also be the Zoning Officer and/or Building Inspector, in which case may hold any one of the titles mentioned.

Plat of Survey: The graphical representation of a survey of one or more of the parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.

Proprietor: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

Resubdivision: Any subdivision of land that has been 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.

Right-of-Way: The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.

Roadway: That portion of the street, including shoulders, available for vehicular traffic. Where curbs are laid, the roadway is the portion from back to back of the curbs.

Sewer System Available: The sewer system available to the sub-division as determined by the appropriate sewer system provider.

Street: Property, not an alley, 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.

Street, Private: A street that has not been accepted by the county or other governmental entity.

Street, Public: A street that has been accepted by the county or other governmental entity.

Street, Arterial: An "arterial street" is a street primarily intended to carry traffic from one part of the County to another, and not intended to provide public access to abutted property.

Street, Collector: A "collector street" is a street primarily designed to connect smaller areas of the community, and carry traffic from local streets to arterial streets.

Subdivider: The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

Subdivision: The division of land into three 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.

Surveyor: A licensed land surveyor who engages in land surveying pursuant to Chapter 114 of the Code of Iowa.

Tract: An aliquot part of a section, a lot within an official plat, or a government lot.

Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, communications systems and other future utilities not yet known.

Private Utility: Any agency which is privately owned and not directly controlled by a public authority which furnishes the general public with electricity, gas, heat, communication, transportation, water, sewage collection, or other similar service so affecting the public interest as to be subject to the supervision or regulation by an agency of the State of Iowa.

Public Utility: Any agency which is directly controlled by a public authority which furnishes the general public with electricity, gas, heat, communication, transportation, water, sewage collection, or other similar service so affecting the public interest as to be subject to the supervision or regulation by an agency of the State of Iowa.

Zoning Administrator: The person or persons authorized and empowered by the Board of Supervisors to administer the requirements of this Ordinance.

ARTICLE III: IMPROVEMENTS

Section:

- 3.1 Improvements Required
- 3.2 Inspection
- 3.3 Minimum Improvements
- 3.4 Easements Required
- 3.5 Maintenance Bond Required

3.1 IMPROVEMENTS REQUIRED: The subdivider shall, at his or her expense, install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County, and as shown on the approved preliminary plat. Improvements required shall be completed before the Final Plat is reviewed.

3.2 INSPECTION: All improvements shall be inspected to insure compliance with the requirements of this ordinance. The cost of such inspection shall be borne by the subdivider. The sub-divider shall contact the appropriate person at such time when inspection is required.

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 and provide appropriate paving. All shall be so constructed as to meet the standards set by the County.

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. Private streets and alleys shall be graded to standards established by a licensed engineer.

B. Grading: The subdivider shall at their expense bring all streets and alleys within the platted area which are being dedicated to the county for public use to the grade approved by the Board of Supervisors after receiving the report and recommendation of the County Engineer. Private streets and alleys shall be graded to standards established by a licensed engineer.

C. Sanitary Sewer System: The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdividers expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access holes, and all other necessary appurtenances which the minimum design standards of the appropriate public sewer utility to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the existing sanitary sewers in accordance with the following:

- 1) The developer must install sewer laterals through out the proposed development when a connection for the lateral system to a public system is available, as determined by the appropriate public sewer utility and the County Board of Health. The connection must be coordinated with the owner of the public sewer utility;
- 2) If connection to a public sewer system is not available, as determined by the appropriate public sewer utility and the County Board of Health, the developer must enter into agreement or covenant that all property within the plat will voluntarily annex to the appropriate public sewer utility, connect to the sewer system, and abandon existing septic systems at the time that the public sewer utility becomes available.
- 3) Where lots in the area of planning jurisdiction cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain from the county Board of Health approval for on-site wastewater treatment and disposal systems. The subdividers shall provide the County Board of Health evidence by soils information and percolation tests that each lot being platted is suitable for an on-site wastewater treatment and disposal system.

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

Under some circumstances the County, as a condition for approval of the plat, shall require installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the County sanitary sewer 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 pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

- D. Storm Sewer System: 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 subdivider shall at their expense provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide the collection and removal of all surface waters as recommended and designed by a licensed engineer. These improvements shall extend to the boundaries of the subdivision so as to provide for extension to adjoining properties. Underground storm sewers shall have a minimum diameter of twelve (12) inches and larger as the increase in drainage area demands. The storm sewer shall be constructed in accordance with plans and specifications of the County and at sewer grades established by the County. Private sewer systems shall be constructed in accordance with plans and specifications set by a licensed engineer. The post-development rate of runoff shall not exceed the pre-development rate of runoff for a 10 year, 24 hour storm per Technical Bulletin No. 55 by the Iowa Department of Soil Conservation USDA.

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 County 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.

The sewers shall, upon inspection, approval, and acceptance by the County, become the property of the County. In the storm sewer design phase, consideration shall be given to alternatives and principals of storm water management, or the provision of a storm water management plan if such plan has been adopted by the County.

In cases where storm water drains enter a natural lake, river, stream, or drainage district, the subdivider shall construct and maintain a catch basin or sedimentation basin to detain and prevent non-point pollution from entering bodies of water.

- E. Water Main System: The subdivider of land being platted shall install and construct a water main utility to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the appropriate water suppliers existing water main system. The water distribution system shall include appropriately spaced fire hydrants, valves, and other appurtenances.

Where the connection to the appropriate public water utility cannot be reasonably made as determined by the Planning and Zoning Commission, and the County Board of Health, the County may approve alternate facilities for the distribution of water. 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. 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 water facilities.

Under some circumstances the County may require, as a condition for approval of the plat, installation of water main that is larger than necessary to meet the needs of the platted area, but necessary to complete the County water distribution 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 pipe and installation between the large water main and the diameter of water main reasonable to meet the foreseeable needs of the area.

The water mains shall, upon inspection, approval, and acceptance by the County or designated authority of the County, become the property of the appropriate utility.

- G. Curb and Gutter: The subdivider may at his expense install curb and gutter on all streets in the subdivision. On streets dedicated to the county for public use, curb and gutter, if constructed, shall be constructed of portland cement concrete in accordance with designs and specifications and at grades approved by the Board of Supervisors.
- H. Surfacing: The subdivider shall at their expense surface all streets being dedicated to the county for public use. Surfacing shall conform to current standards established by the Board of Supervisors.
- I. Gas Mains: Where possible, gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway lines.

- J. Other Improvements: The subdivider of the land being platted shall be responsible for the installation of sidewalks and walkways necessary to secure pedestrian safety, grading and seeding or sodding of all lots, the planting of any trees or shrubbery, and the installation of proper street signage and adequate street lighting.
- K. Soil Erosion: The subdivider is responsible for controlling soil erosion on the area being platted.

3.4 **EASEMENTS REQUIRED:**

- A. Utility Easements: Where required for the placement of present or future utilities, easements shall be the width required by the utility company but 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. Utility easements shall convey to the County, its successors, and assignees the perpetual right (within the areas shown on the plat and described in the easement) to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four (4) feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company the right to use (separately or jointly with the County) the areas included in the easement for the purposes enumerated above.
- 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 for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of ten (10) feet on each side plus water course design width and a total width adequate to provide any necessary channel straightening or relocations. Alterations of water courses shall be made only in accordance with regulations of the Iowa Department of Natural Resources.

3.5 MAINTENANCE BOND REQUIRED: The owner and subdivider of the land being platted shall be required to provide to the County, proper maintenance bonds satisfactory to the County, so as to insure that for a period of two (2) years from the date of acceptance of any improvement, the owner and subdivider shall be responsible to maintain such improvement in good repair.

ARTICLE IV: MINIMUM DESIGN STANDARDS FOR SUBDIVISIONS

Section:

- 4.1 Standards Prescribed
- 4.2 Land Suitability
- 4.3 Lands Subject to Flooding
- 4.4 Plat to Conform to Comprehensive Plan
- 4.5 Construction Standards for Improvements
- 4.6 Street Standards
- 4.7 Block and Lot Standards
- 4.8 Parks and Open Space
- 4.9 Parks and School Sites Reserved

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 formations, 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 in writing 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 Iowa Department of Natural Resources. 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.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to approval of the County:

- A. Included within individual lots in the subdivision, subject to the limitations of this section.

- B. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the County, providing for its care and maintenance by such owners.
- C. If acceptable to the County, dedicated to the County as public open space for recreation or flood control purposes.

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 any other such plans adopted by the County, 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: In addition to the standards set forth in this ordinance, the County Engineer shall from time to time prepare, and the Board of Supervisors shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

Upon adoption by the Board of Supervisors by resolution, such technical standards for public improvements shall have the full force and effect as if they were fully set forth herein.

4.6 STREET STANDARDS: The following standards shall apply to all streets to be located within the subdivision:

- A. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or Street Plan, the plat shall provide for such street.
- B. Street grades shall align to existing streets, and all grades for streets shall be approved by the County Engineer or other appropriate licensed engineer.
- C. Street right-of-way widths and pavement widths shall be as specified in the Comprehensive Plan, County Street Plan, or technical standards for public improvements.

- D. Half-streets are prohibited, except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street is required.
- E. Local streets should be designed to discourage through traffic while safely connecting to collector or arterial streets.
- F. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.
- G. Streets shall intersect as near to right angles as possible; and no street shall intersect any other street at less than sixty degrees (60°).
- H. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
- I. Dead end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.
- J. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed six hundred (600) feet in length unless a greater length is unavoidable.
- K. In general, alleys shall be permitted in residential areas and required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with minimum right-of-way diameter of one hundred (100) feet.
- L. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Board of Supervisors, be made a requirement of the plat.
- M. Streets that are or will become extensions of existing streets shall be given the name as the existing streets. New street names shall not be the same or be phonetically similar to existing street names within Dickinson County, Iowa. All street names shall be at the approval of the Board of Supervisors through the 911 coordinator.

- N. The Board of Supervisors may approve a private street where 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.
- O. In general, streets shall be carefully platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
- P. If the intent is to be a private street, then the streets of the subdivision shall be constructed to the standards set forth by the county except for the pavement surfacing requirements.

4.7 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 thirteen hundred (1,300) 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. In blocks over seven hundred (700) feet in length, a public way or an easement at least ten (10) feet in width, at or near the center of the block for use by pedestrians may be required.
- C. The size and shape of blocks or lots intended for commercial or industrial use 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.
- D. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- E. 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.
- F. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least thirty-five (35) feet measured as a straight line between the two front lot line corners.
- G. Unless avoidable, lots shall not front or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

- H. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgement of the Board of Supervisors, a variation to this provision will provide a better street and lot layout.
- I. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.
- J. Reversed frontage lots are prohibited. 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.
- K. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for an on-site wastewater treatment and disposal system. No subdivision to be served by septic systems shall be approved by the Board of Supervisors until percolation tests have been performed, soil information acquired, and the results of said tests have been provided to, and reported on, by the County Sanitarian and approved by the County Board of Health.

4.8 PARKS AND OPEN SPACE: All residential subdivisions should be so designed as to meet the neighborhood park and open space needs of their residents. Such needs may be met by dedication and acceptance of public park land and/or by reservation by covenant of private open space, provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

4.9 PARKS AND SCHOOL SITES RESERVED: When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the County, the subdivider shall indicate such areas on the plat.

- A. Proposed park sites shall be reserved for three (3) years, giving the County or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (½) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and the date of purchase by the public agency. Should the park site not be purchased within three (3) years, the subdivider may then amend the final plat.
- B. Proposed school sites shall be reserved for three (3) years, giving the County or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (½) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site

and any taxes and interest incurred by the subdivider between the date of reservation and the date of purchase by the public agency. Should the school sites not be purchased in three (3) years, the subdivider may then amend the final plat.

ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

Section:

- 5.1 Pre-Application Conference
- 5.2 Sketch Plan Required
- 5.3 Presentation to Planning Commission or Board of Supervisors
- 5.4 Plats Required
- 5.5 Requirement of the Preliminary Plat
- 5.6 Procedures for Review of Preliminary Plats
- 5.7 Duration of Approval of Preliminary Plat
- 5.8 Authorization to Install Improvements
- 5.9 Completion and Acceptance of Improvements
- 5.10 Performance Bond Permitted
- 5.11 Requirement of Final Plat
- 5.12 Attachments to the Final Plat
- 5.13 Procedures for the Review of Final Plats

5.1 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 Plats Officer. The conference should be attended by the Plats Officer, the Planning and Zoning Commission, 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 conference will be held at a regular Planning and Zoning Commission meeting.

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.

5.2 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.

5.3 PRESENTATION TO THE PLANNING COMMISSION: The subdivider shall present the sketch plan to the planning commission for review, prior to incurring significant costs preparing the preliminary or final plat.

5.4 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 preliminary and final plat.

5.5 REQUIREMENTS OF THE PRELIMINARY PLAT: The subdivider shall prepare and file with the Zoning Administrator twelve (12) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1"=100'). Sheet size will be eighteen (18) inches by twenty-four (24) inches. A scale other than one (1) inch to one hundred (100) feet may be used if prior approval is obtained from the Zoning Administrator.

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 vicinity 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 parcel of unplatted land. A list of all owners of record of property located within five hundred (500) 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 five (5) feet.
- I. The legal description of the area being platted.
- J. The boundary of the area being platted.
- K. The layout, numbers and approximate dimensions and square feet of all of proposed lots.
- L. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.

- M. All interior excepted parcels clearly indicated and labeled, "not a part of this plat."
- N. The proposed names for all streets in the area being platted.
- O. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric lines, and other facilities.
- P. Proposed easements, showing locations, widths, purposes and limitations.
- Q. Parcels of land proposed to be dedicated or reserved for schools, parks playgrounds, or 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. The intent of the street to be public or private.
- T. The fee, as required by this ordinance.
- U. Building setback lines.
- V. Any erosion control devices needed during construction.
- W. Letter from the developer stating if any of land being platted is within an existing floodplain.
- X. Any other pertinent information as necessary.

5.6 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS: In obtaining preliminary approval of a proposed subdivision by the Board of Supervisors, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

- A. The subdivider shall first prepare and file with the Zoning Administrator twelve (12) copies of a preliminary plat conforming in detail to the requirements set forth in these regulations.
- B. The Zoning Administrator shall forthwith refer one (1) copy to each member of the Board of Supervisors, one (1) copy to each member of the Planning and Zoning Commission, and one (1) copy to any city within two (2) miles of the proposed subdivision.
- C. A municipality shall have thirty (30) days to review a proposed plat within its two (2) mile jurisdictional limit. If the city does not act within thirty (30) days, the plat shall be deemed to be approved by the city.

- D. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by him. The Commission shall conclude its study of the preliminary plat and recommend or disapprove the preliminary plat as first submitted to the Commission. If plat shall be deemed to be recommended; provided, however, that the subdivider may agree to an extension of time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within one year after the date of approval.
- E. Before recommending a preliminary plat, the Commission shall hold a public hearing, notice of which shall be given by publication in a local newspaper, and by regular mail to all adjacent property owners and all non adjacent property owners within five hundred (500) feet of the proposed subdivision. Public notice in the local newspaper shall be given according to state statute.
- F. Approval of the preliminary plat by the Commission is revocable and does not constitute final plat approval of the subdivision by the Board of Supervisors or the Board of Supervisor's authorization to proceed on construction of improvements within the subdivision.
- G. The Commission shall consider the preliminary plat and submit their recommendation to the Board of Supervisors together with a certified copy of their resolution showing the action of the Commission.
- H. The Board of Supervisors shall then consider the preliminary plat and if the same is acceptable and in accordance with this Ordinance, the Board of Supervisors may accept the same. If said plat is disapproved by the Board of Supervisors, such disapproval shall point out in writing wherein said proposed plat is objectionable.

5.7 DURATION OF APPROVAL OF THE PRELIMINARY PLAT: The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one (1) year from the date of such approval; 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.

5.8 AUTHORIZATION TO INSTALL IMPROVEMENTS: The approval of the preliminary 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 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 have been submitted to, and approved in writing by, the County Engineer or engineer of appropriate public utility.

- 5.9 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS:** Before the Board of Supervisors will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Board of Supervisors. Before passage of said resolution of acceptance, the County Engineer or engineer of appropriate public utility shall report said improvements meet all County specifications and ordinances or other County requirements, and the agreements between the subdivider and the County.
- 5.10 PERFORMANCE BOND PERMITTED:** In lieu of the requirement that improvements be completed prior to approval of the final plat, the subdivider may post a performance bond with the County, guaranteeing that improvements not completed 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.
- 5.11 REQUIREMENT OF 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 Zoning Administrator, twelve (12) copies of the final plat and required attachments, as set forth in this ordinance. The Zoning Administrator shall forthwith refer one (1) copy to each member of the Board of Supervisors, and one (1) copy to each member of the Planning and Zoning Commission. Except for a final plat of a minor subdivision as set forth herein, no 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 prepared as per the specifications of the County Recorder and County Auditor. The final plat shall be clearly marked "Final Plat" and show, or have attached thereto, the following:

- 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, address and the profession of the person preparing the plat.
- D. Steel pin or pipe monuments five-eighths ($\frac{5}{8}$) inch in diameter and twenty-four (24) inches long or suitable concrete markers shall be placed at all points on boundary lines where there is a change of direction and at all lot corners and any other points required to be marked that relate to the sub-division. The licensed

land surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil marking of the Iowa licensing number of the licensed land surveyor to the top of the monument.

- 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. Street names and clear designation of public alleys.
- H. Block and lot numbers.
- I. 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.
- J. 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 within the plat.
- K. All interior excepted parcels clearly indicated and labeled, "not a part of this plat."
- L. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.
- M. 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.
- N. A statement by a licensed land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and sealed certification of the accuracy of the plat by the licensed land surveyor who drew the plat.
- O. Identify any floodplain areas within the sub-division.

5.12 ATTACHMENTS TO THE FINAL PLAT: The following shall be attached to and accompany any final plat:

- A. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
- B. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is held by the owner and that the land is free from encumbrances other than those secured by an encumbrance bond.
- C. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes.
- D. A certificate from the Clerk of District Court that the subdivision land is free from all judgements, attachments, or mechanics or other liens of record in his office.
- E. Protective covenants, if any.
- F. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- G. A certificate by the County Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements shall have been provided to the County Engineer. In lieu thereof, the Board of Supervisors may certify that a performance bond guaranteeing completion has been approved by the County Attorney and filed with the Clerk, or that the Board of Supervisors has agreed that the County will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.
- H. Where improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.
- I. If private streets or other private improvements have been approved, 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 annexation and dedication and acceptance, shall be required.
- J. A resolution and certificate for approval by the Supervisors and for signatures of the Chairperson and County Auditor.

5.13 PROCEDURES FOR REVIEW OF FINAL PLATS:

- A. When submitting the final plat to the Commission for a recommendation, the subdivider shall furnish all plans and information as required by this Ordinance, including twelve (12) or more copies of the final plat to the Zoning Administrator.

- B. The Commission shall consider the final plat and submit their recommendation to the Board of Supervisors. The Board of Supervisors shall then consider the final plat and if the same is acceptable and in accordance with this Ordinance, the Board of Supervisors may accept the same. If said plat is disapproved by the Board of Supervisors, such disapproval shall point out in writing wherein said proposed plat is objectionable.

- C. The passage of a resolution by the Board of Supervisors accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall be responsible for the recording of such plat in the office of the Dickinson County Recorder. The plat shall be considered null and void unless the plat is filed within one hundred eighty (180) days after approval by the Board of Supervisors. The final plat shall be prepared as per the specifications as required by the County Recorder and the Auditor.

ARTICLE VI: OTHER PROVISIONS

Section:

- 6.1 Variances
- 6.2 Severability Clause
- 6.3 Changes and Amendments
- 6.4 Ordinance Not to Limit Other Ordinances
- 6.5 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. 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 are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.
- 6.2 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.
- 6.3 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 at least once, not less than four (4) nor more than twenty days before the date of the hearing.
- 6.4 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.

6.5 APPROVAL: This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved this 4th day of April, 2000.

CHAIRPERSON BOARD OF SUPERVISORS

ATTEST:

COUNTY AUDITOR