

Carroll County Subdivision Ordinance

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**CARROLL COUNTY, IOWA,
ORDINANCE NO. 13**

AN ORDINANCE establishing new subdivision regulations for the unincorporated territory of Carroll County, Iowa, and providing for the administration, enforcement, and amendments thereof, in accordance with the provisions of Chapter 354, Code of Iowa, and for the repeal of the existing subdivision regulations.

Section 1 **REPEAL OF CONFLICTING ORDINANCES:** The Carroll County Subdivision Regulations published prior to this ordinance are hereby repealed in their entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 2 **SEVERABILITY:** If, for any reason, any part, section, subsection, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3 **EFFECTIVE DATE:** This Ordinance shall be in force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED March 15, 1999: Revised August 23, 1999, **Revised August 22, 2005 (13.04.020; 13.06.010; 13.07.090) Amended 03-19-2012 13.02.310; 13.02.680.02.A; 13.07.080.06**

ROLL CALL VOTE:

Neil Bock - Aye; Mark Beardmore - Aye; Eugene Meiners - Aye; Marty Danzer - Aye; Dan Nieland - Aye

Mark Beardmore, Chairman

Attest: Joan Schettler, Auditor

CARROLL COUNTY, IOWA, ORDINANCE #13

SUBDIVISION ORDINANCE

**CHAPTER 13.01
GENERAL PROVISIONS**

13.01.010 **TITLE:** This Ordinance shall be known and may be cited and referred to as the "Carroll County, Iowa, Subdivision Ordinance".

13.01.020 **PURPOSES AND OBJECTIVES:** This Subdivision Ordinance is adopted to establish rules, regulations and minimum standards for the design, development and improvement of all new subdivisions and re-subdivisions within the County, in order to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the present and future citizens of Carroll County, Iowa, all in accordance with and as permitted by the provisions of Chapter 354, Code of Iowa, as amended. It shall be administered in order to insure the orderly growth and development, the

conservation, protection, and the proper use of land, and for the adequate provisions for public utilities, services and circulation.

More specifically, the Ordinance is adopted in order to achieve the following objectives, among others:

- .01 To establish reasonable standards of design and procedures for approval of subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- .02 To cause the cost of design and installation of improvements required for a subdivision to be borne by the developer, rather than by the direct or indirect burden upon property owners beyond the limits of the subdivision.
- .03 To protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of all parts of the County.
- .04 To insure the installation of adequately sized utilities and adequately improved streets.
- .05 To promote a safe, effective traffic circulation system.
- .06 To secure economy in government expenditures.
- .07 To insure that public facilities, where available, will have a sufficient capacity to serve the subdivision.
- .08 To encourage the most appropriate use of land in the County.
- .09 To improve land records by establishing standards for surveys and plats.

13.01.030 **JURISDICTION:** The provisions of this Ordinance shall apply to all of the unincorporated territory of Carroll County, Iowa.

13.01.040 **PLATS IN UNINCORPORATED AREAS WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF CITIES:** The purpose of this Section is to facilitate the orderly processing of subdivisions in unincorporated areas of the County within two (2) miles of the corporate limits of cities and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities.

In the event a Subdivision is located within two (2) miles of the corporate limits of a city which exercises such Subdivision jurisdiction, as provided in Section 354.9, Code of Iowa, as amended, the procedures for review and approval of preliminary and final plats shall be the same as established by this Ordinance, except that the preliminary and final Subdivision plats shall first be reviewed and approved by the City Council of that city. The developer shall submit the preliminary and final plats and other required materials as required by this Ordinance. The County Board shall have the right to waive such requirements, as are contained in this Ordinance, for such Subdivisions whenever the County Board, upon recommendation by the Commission is satisfied that equally suitable regulations have been placed on these Subdivisions by the City Council of that city.

Such a plat shall be considered to have been approved and authorized for filing with the County Auditor and County Recorder only after it has been approved by the County Board, as prescribed by this Ordinance and by the City Council of that city.

13.01.050 **APPLICATION OF REGULATIONS:** The regulations set forth by this Ordinance shall apply to all Subdivisions of land, as defined herein, located within the jurisdiction of the County:

- .01 No plat of any Subdivision within the application of this Ordinance have any validity until the plat has been prepared, approved and acknowledged in the manner prescribed in this Ordinance.
- .02 The Subdivision of any tract or parcel of land for the purpose of sale, transfer or lease with the intent of evading the provisions of this Ordinance shall not be permitted. All such described Subdivisions shall be subject to all the requirements contained in this Ordinance.
- .03 No permit, license or certificate shall be issued by a department, official or public employee of the County vested with such duty or authority, for any use, building or other purpose on a parcel or tract which is not a lot of record at the effective date of adoption of this Ordinance or which

has not been approved and recorded in accordance with the provisions of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.

- .04 No public improvements shall be made by the County Board with County funds, nor shall any County funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the effective date of this Ordinance, unless such Subdivision and streets have been approved in accordance with the provisions of this Ordinance and the street accepted by the County Engineer as a public street.

13.1.60 **CLASSIFICATION OF SUBDIVISIONS:** Except as provided in Section 13.01.070, whenever any division of a tract or parcel into three (3) or more parcels is proposed, before any contract is made for the sale of any part thereof, and before any zoning permit is issued for the erection of any structure upon such land, the owner of the land, or his authorized agent, shall apply and secure approval of the particular type of division, as described below, proposed.

Before preparing a plat, the developer should discuss with the Zoning Administrator the requirements and procedure for approval of a property line adjustment, property split, or minor or major Subdivision. The Zoning Administrator shall also advise the developer, where appropriate, to discuss the proposal with those officials who must eventually approve these aspects of the Subdivision coming within their jurisdiction

- .01 The procedure for approval of a major Subdivision, as defined in Section 13.02.680.01, shall consist of a:
 - A. Preliminary plat, as described in Chapter 13.04.
 - B. Final construction plans, as described in Chapter 13.05.
 - C. Final plat, as described in Chapter 13.06.
 - D. Review by Zoning Commission and Approval by resolution by County Board of Supervisors
- .02 The procedure for approval of a minor Subdivision, as defined in Section 13.02.680.02, shall consist of a:
 - A. Plat of Survey
 - A. Review and Approval by resolution by County board of Supervisors
- .03 The procedure for approval of a property split, as defined in Section 13.02.680.03, shall consist of:
 - A. Plat of Survey
- .04 The procedure for approval of a property line adjustment, as defined in Section 13.02.680.04, shall consist of a:
 - A. Plat of Survey

13.01.070 **EXEMPTIONS:** Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:

- .01 The division of land into burial lots in a cemetery.
- .02 A conveyance of land or interest therein for use of right-of-way by a railroad or other public utility subject to State or Federal regulations, where such conveyance does not involve the creation of any new public or private street or easement of access.
- .03 A conveyance of land or interest therein to adjoining property owners of vacated right-of-way by a railroad or other public utility subject to State or Federal regulation, where such conveyance does not involve the creation of any new parcel.
- .04 A conveyance of land to the State or County for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.
- .05 A conveyance of land in forty-acre aliquot parts.

13.01.080 **VARIANCES:** Where in the case of a particular proposed Subdivision, it can be shown that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an

alternative proposed, the County Board, upon recommendation of the Commission, may approve variances from the provisions of this Ordinance so that substantial justice may be done and the public interest secured; provided however, that such variances shall not have the effect of nullifying the intent and purpose of these regulations.

- .01 The County Board shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - A. The granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare or the rights of adjacent property owners.
 - B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 - D. In no case shall any variance be more than a minimal easing of the standards or requirements as necessary to eliminate the hardship. In no case shall any street standard variance have the effect of reducing the traffic capacity of any street.
 - E. The variance will not adversely effect the County's Land Use Plan or in any manner vary the provisions of the County Zoning Ordinance.
- .02 In approving variances, the County Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
- .03 A request for such variances shall be submitted in writing by the developer at such time the application for preliminary plat approval is submitted for consideration by the Commission. The variance requests shall be accompanied by a fee as specified by the County Board. Said request shall state fully the grounds for the request and all of the facts relied upon by the developer. Any variance recommended by the Commission to the County Board shall be by written record, which shall include findings of facts, and shall refer to all the evidence in the record.

13.01.090 **VACATION PROCEDURES:** In addition to the provisions concerning the vacation of plats as stipulated in Chapter 354, Code of Iowa, as amended, the following shall apply:

- .01 Any Subdivision plat or portion thereof may be vacated by the owner in the event there has been no sale of any lots within the plat or a portion thereof.
- .02 Any vacation of a plat shall be made by written instrument, to which a copy of such plat is attached, declaring the same to be vacated.
- .03 The County Board may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements or streets.
- .04 Such an instrument shall be executed, approved and recorded in a like manner as plats of Subdivisions; and being duly recorded shall operate to annul the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets and public grounds dedicated to the County as set forth on the final plat. If the County Board approves such vacation where the County had acquired an interest, by deed, in any property proposed to be dedicated to the County as set forth on the final plat, the County shall re-convey such interest, by deed, to the applicant, property owner or his or her successor in interest.

13.01.100 **INTERPRETATION OF STANDARDS:** In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive, or that imposing the higher standards, shall govern.

CHAPTER 13.02 DEFINITIONS

13.02.010 **CONSTRUCTION OF TERMS**: For the purpose of this Ordinance, certain terms and words are hereby defined. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.

.01 TENSE: Words used in the present tense include the future tense.

.02 NUMBER: Words used in the singular include the plural, and words in the plural include the singular.

.03 SHALL AND MAY: The word “shall” is mandatory; the word “may” is permissible.

.04 GENDER: The masculine shall include the feminine and the neuter.

.05 PERSON: The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

.06 USED OR OCCUPIED: The word “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

.07 HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

.08 REFERENCE TO CODE OF IOWA: Reference numbers to the Code of Iowa sections are those in effect on the date of the adoption of this Ordinance. Future changes in the numbering of the Iowa Code sections are intended to be incorporated herein by reference without future amendment of this Ordinance. Amendments to Code sections which are the same or substantially similar to those in effect on the date of the adoption of this Ordinance are incorporated by this reference. These Iowa Code references are for convenience and continuity of enforcement and shall in no event be construed to make this Ordinance or any part thereof invalid.

13.02.020 **ABUTTING**: A common boundary. Land areas separated by a public or private road, highway, street, alley or way, or by a waterway or body of water shall not be construed as abutting herein.

13.02.030 **ALLEY**: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

13.02.040 **ALIQUOT PART**: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4) or one-quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.

13.02.050 **AUDITOR'S PLAT**: A Subdivision plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation. Such plats are not intended to satisfy the requirements of this Ordinance.

13.02.060 **BLOCK**: An area of land within a Subdivision that is entirely bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.

13.02.070 **BUILDING**: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

13.02.080 **BUILDING SETBACK LINE**: The required minimum horizontal distance between the front, rear or side lines of the parcel or tract and the front, rear or side lot line of the building respectively for a particular zoning district. Setback may also be referred to as required yard.

13.02.090 **CLUSTER LOT**: A group of three or more lots, each of which must abut common or dedicated ground on one (1) or more sides and does not necessarily front on a dedicated public street.

13.02.100 **CLUSTER SUBDIVISION**: A Subdivision permitting dwellings to be clustered or grouped together on smaller lots including provisions for additional open space. The resulting density shall remain the same whether or not cluster subdivisions are used.

- 13.02.110** **COMMISSION**: The Planning and Zoning Commission of Carroll County, Iowa.
- 13.02.120** **COMMON LAND OR OPEN SPACE**: An area of undivided land or water, or combination thereof, which is owned jointly by all property owners of the Subdivision, but not specifically assigned, planned for passive or active recreation, pedestrian access, and the enjoyment and benefit of the owners and occupants of the individual building sites of said development.
- 13.02.130** **COMMON SEWER SYSTEM**: A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency, and which does not include individual septic systems.
- 13.02.140** **COMMON WATER SYSTEM**: A central water system available to each platted lot from one single source approved by the appropriate County and/or State agency.
- 13.02.150** **COMPREHENSIVE PLAN**: A general plan for the improvement and development of Carroll County, Iowa, as adopted by the Commission and County Board. This document may also be referred to as the Land Use Plan.
- 13.02.160** **CONVEYANCE**: An instrument filed with the County Recorder as evidence of the transfer of title of land, including any form of deed, contract or lease, excluding agricultural farm land leases.
- 13.02.170** **COUNTY**: Carroll County, Iowa.
- 13.02.180** **COUNTY ASSESSOR**: The Assessor of Carroll County, Iowa.
- 13.02.190** **COUNTY AUDITOR**: The County Auditor of Carroll County, Iowa.
- 13.02.200** **COUNTY BOARD**: The Board of Supervisors of Carroll County, Iowa.
- 13.02.210** **COUNTY ENGINEER**: The County Engineer of Carroll County, Iowa.
- 13.02.220** **COUNTY INFRACTION**: A civil offense punishable by a civil penalty and issued by means of a citation.
- 13.02.230** **COUNTY RECORDER**: The County Recorder of Carroll County, Iowa.
- 13.02.240** **COUNTY TREASURER**: The County Treasurer of Carroll County, Iowa.
- 13.02.250** **COUNTY ZONING ORDINANCE**: The Carroll County, Iowa, Zoning Ordinance.
- 13.02.260** **DESIGN STANDARDS AND SPECIFICATIONS**: All requirements and regulations relating to the design and layout of subdivision as set forth in this Ordinance.
- 13.02.270** **DEVELOPER**: The owner or his authorized agent of the land to be subdivided. Consent shall be required from the legal owner of the premises.
- 13.02.280** **RESERVED**
- 13.02.290** **DIVISION**: Dividing a tract or parcel of land into two (2) parcels of land by conveyance. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this Ordinance.
- 13.02.300** **EASEMENT**: A grant by the property owner to the public, a corporation, or persons of the use of a portion of a tract or parcel of land for a specific purpose or purposes.
- 13.02.310** **EASEMENT OF ACCESS**: An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway which is maintained by

individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private street. No more than two (2) lots may be accessed exclusively by easement. (3-19-12)

- 13.02.320** **FINAL CONSTRUCTION PLANS**: The maps and detailed drawings of a Subdivision which show the specific location and design of improvements to be installed in the Subdivision in accordance with the provisions of this Ordinance.
- 13.02.330** **FINAL PLAT**: The map or drawing of a Subdivision in its final form which is submitted with its accompanying material to the County for approval and which, if approved, will be submitted to the County Recorder for recording.
- 13.02.340** **FORTY ACRE ALIQUOT PART**: One-quarter of one-quarter of a section.
- 13.02.350** **FRONTAGE**: That portion of a tract or parcel abutting upon a street.
- 13.2.360** **GOVERNMENT LOT**: A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
- 13.02.370** **GRADE**: The slope of a street or other surfaces, specified in percentage terms.
- 13.02.380** **LICENSED ENGINEER**: A licensed engineer authorized and licensed by the State of Iowa.
- 13.02.390** **LICENSED LAND SURVEYOR**: An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa, as amended.
- 13.02.400** **LOT**: For the purpose of this Ordinance, a lot is a tract of land represented and identified by number designation on an official plat.
- 13.02.410** **LOT FRONTAGE**: That portion of a tract or parcel of land which abuts a street. Each side of a lot so abutting a street shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the street right-of-way line.
- 13.02.420** **LOT IMPROVEMENTS**: Any building, structure, place, work of art, or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in this Ordinance.
- 13.02.430** **LOT LINES**: The property lines bounding a tract or parcel.
- .01 **FRONT LOT LINE**: The lot line separating the front of the tract or parcel from the street. However, for purposes of determining tract or parcel requirements in cases where the front lot line is located within a street or highway right-of-way or easement of access, the street right-of-way line shall be used. In the case of a corner lot, frontages on any street shall be considered the front lot line.
- .02 **REAR LOT LINE**: The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or odd shaped tract or parcel, it shall mean a straight line ten (10) feet in length which is parallel to the front lot line or its chord and intersects the two (2) other lot lines at points most distant from the front lot line.
- .03 **SIDE LOT LINE**: Any lot line other than a front or rear lot line. A side lot line separating a tract or parcel from a front or rear lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 13.02.440** **LOT MEASUREMENTS**: For the purposes of this Ordinance the following lot measurements shall apply:
- .01 **LOT AREA**: The gross horizontal area within the lot lines of a lot, exclusive of any area contained within a street or highway right-of-way easement or easement of access.

- .02 LOT DEPTH: The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
- .03 LOT WIDTH: The horizontal distance between the side lot line as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback. In the case of a "flag" or "cul-de-sac" lot, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the front most portion of the proposed principal structure. In the case where the width of a tract or parcel is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear yard setback.

13.02.450 **LOT OF RECORD**: A lot which is part of a Subdivision recorded in the office of the County Recorder, or an Auditor's Subdivision lot, a tract, or a parcel, the description of which has been so recorded in the Office of County Recorder prior to the effective date of this Ordinance.

13.02.460 **LOT TYPES**: For the purpose of this Ordinance the following types of lots are defined:

- .01 CORNER LOT: A lot located at the intersection of two (2) or more streets, having the street right-of-way abut the front and one (1) or more side lines of the lot. A lot abutting on a curbed street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- .02 DOUBLE FRONTAGE LOT: A lot, other than a corner lot, having frontage on two (2) or more non-intersecting streets.
- .03 FLAG LOT: An interior lot which is generally located behind other lots and which would be a land-locked area of land if not for a narrow strip of land, used exclusively for access purposes, connecting the area with a public street. The minimum bulk requirements for a flag lot, excluding the strip, shall be the same as required for other lots within the zoning district.
- .04 INTERIOR LOT: A lot, other than a corner lot, having frontage on only one (1) street.

13.02.470 **METES AND BOUNDS DESCRIPTION**: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of a parcel by reference to physical features of the land.

13.02.480 **NONRESIDENTIAL SUBDIVISION**: A Subdivision whose intended use is other than residential, such as commercial or industrial. Such Subdivision shall comply with the applicable provisions of this Ordinance.

13.02.490 **OFFICIAL PLAT**: A Subdivision plat that meets the requirements of this Ordinance and has been approved under the terms of this Ordinance.

13.02.500 **OWNER**: The holder of legal title including holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees, and the like. Whenever a statement of ownership is required by this Ordinance, full disclosure of all legal and equitable interests in the property is required.

13.02.510 **PARCEL**: A part of a tract of land.

13.02.520 **PEDESTRIAN WALKWAY**: A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

13.02.530 **PERFORMANCE GUARANTEE**: A contract between the County and a developer which assures that the developer will bear the cost of all required infrastructure improvements and maintenance to said improvements.

- .01 PERFORMANCE BOND: A kind of insurance, in the form of a bond payable to the County, in the amount determined necessary by the County Engineer to complete the required improvements in the event the developer fails to do so.
- .02 ESCROW ACCOUNT: A bank account that the developer deposits either cash, a note, a bond, or some other instrument readily convertible to cash in the amount determined necessary by the County Engineer to complete the required improvements in the event that the developer fails to do so. An escrow account is payable to the County on demand.
- .03 LETTER OF CREDIT: A letter of credit secured by the developer from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the developer fails to do so. The amount of the letter of credit shall be determined by the County Engineer and shall be payable to the County on demand.

13.02.540 PLANNED RESIDENTIAL DEVELOPMENT: A project of a single owner or a group of owners acting jointly, involving a related group of residential and commercial uses and associated uses, planned as a single land use unit rather than as an aggregation of individual activities located on separate lots. The Planned Residential Development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and Subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site is preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a Planned Residential Development does not eliminate the need of compliance with the provisions of this Ordinance.

13.02.550 PLAT: A Subdivision as it is represented by a formal document of maps or drawings, and writing.

13.02.560 PLAT OF SURVEY: The graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor, in accordance with Chapter 354, Code of Iowa, as amended.

13.02.570 PRELIMINARY PLAT: A map or drawing which shows the proposed layout and construction of a Subdivision and its proposed improvements in sufficient detail to indicate its workability in all respects, and which is submitted with its accompanying material to the County for approval, but is not drafted in final form for recording.

13.02.575 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 a mortgage, easement or lien interest.

13.02.580 PROTECTIVE COVENANTS: Contracts entered into between private parties and which constitute restrictions of all private property within the Subdivision for the benefit of property owners against the lessening of property values.

13.02.590 PUBLIC IMPROVEMENT: Any street surface material, curbs, gutters, sidewalks, water or sewer systems, storm sewers or drainage systems, lot or street grading, street lighting, street signs, plantings or other items constructed for the welfare of the property owners and the public which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be properly bonded.

13.02.600 QUARTER-QUARTER SECTION: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.

13.02.610 REPEAT OFFENSE: A recurring violation of the same section of the Carroll County, Iowa, Subdivision Ordinance.

13.02.620 RESUBDIVISION/REPLAT: Any Subdivision of land which has previously been 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. ReSubdivision/replats shall follow the same procedure as set forth for a minor or major Subdivision, whichever may be applicable.

13.02.630 **RIGHT-OF-WAY**: The land area, the right to possession of which is secured or reserved for public purposes.

13.02.640 **RESERVED**

13.02.650 **SOIL CONSERVATION DISTRICT**: The authorities designated by state or federal law.

13.02.660 **STREET**: The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term "street" shall include avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation.

.01 **ARTERIAL STREET**: Any street serving major traffic movements which is designed primarily as a traffic carrier between cities and towns or between various sections of the County, which forms part of a network of through streets, or which provides service and access to abutting properties only as a secondary function.

.02 **COLLECTOR STREET**: Any street designed primarily to gather traffic from local streets and carry it to the arterial system.

.03 **COUNTY ROAD**: Any street, other than a highway, which is not located within a platted Subdivision approved by the County.

.04 **CUL-DE-SAC**: A street having one end connection with a public street and being terminated at its other by a vehicular turn-around.

.05 **DEAD-END STREET**: A local street having only one (1) outlet connecting to another street.

.06 **HIGHWAY**: An officially designated federal or state numbered highway, or other major street or road designated by the County as a thoroughfare.

.07 **LOCAL STREET**: A street designed primarily to provide access to abutting properties and to discourage through traffic.

.08 **MARGINAL ACCESS STREET**: A local street which is parallel with an adjacent highway or arterial street and which provides access to abutting properties and provides protection from fast, through traffic on the highway or arterial street.

.09 **PRIVATE STREET**: All land between right-of-way lines dedicated to the public, but not accepted in a governmental road system.

.10 **PUBLIC STREET**: All land between right-of-way lines dedicated to and accepted by a governmental agency.

.11 **PUBLIC STREET, HARDSURFACED**: A street which as a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, county or state regulations.

13.02.670 **STREET RIGHT-OF-WAY LINE**: A dividing line between a tract or parcel of land and the contiguous street. The boundary line of a street.

13.02.680 **SUBDIVISION**: The division of a tract of land into three (3) or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, building development or lease. The term includes ReSubdivision and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

.01 **MAJOR SUBDIVISION**: All Subdivisions not classified as either a property line adjustment, property split, or minor Subdivision, including but not limited to any size Subdivision requiring new public or private streets, or the extension of any public facilities, or the creation of any public improvements.

.02 **MINOR SUBDIVISION**: A Subdivision of land which meets the following criteria:

A. All new lots shall front on and have direct access from an existing public street. or have unrestricted access by perpetual easement of access. No more than two (2) lots may be accessed exclusively by easement. (3-19-12)

- B. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed Subdivision.
 - C. No new lot shall conflict with any provisions or portion of the County Zoning Ordinance or this Ordinance.
- .03 **PROPERTY SPLIT:** A Subdivision of a tract which meets the following criteria:
- A. The land proposed for division is an undivided quarter-quarter section.
 - B. No more than three (3) parcels are created per quarter-quarter section.
 - C. No new parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.
- .04 **PROPERTY LINE ADJUSTMENT:** A Subdivision of one (1) or more lots or parcels which meets the following criteria:
- A. No additional lots or parcels shall be created.
 - B. No part of the divided lot or parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
 - C. No new lot or parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

13.02.690 **SUBDIVISION PLAT:** The graphical representation of the Subdivision of land, prepared by a licensed land surveyor, having a number designation for each lot within the plat and a succinct name or title that is unique for the County and which meets the requirements of the Ordinance and has been approved in accordance with this Ordinance.

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

13.02.701 **VACATION:** To make void or annul.

13.02.720 **ZONING ADMINISTRATOR:** The Zoning Administrator for Carroll County, Iowa.

CHAPTER 13.03 RESERVED

CHAPTER 13.04 PRELIMINARY PLAT

13.04.010 **APPLICATION FOR PRELIMINARY PLAT APPROVAL:** An application for preliminary plat approval shall be filed, upon the form provided, with the Zoning Administrator for submission to the Commission. The application shall be accompanied by a fee, as specified by the County Board. The application shall contain the following information and documentation:

- .01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
- .02 The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the proposed Subdivision.
- .03 The proposed name of the Subdivision.
- .04 The street address or general location and legal description of the subject property.
- .05 The present and proposed zoning district classification of the subject property.
- .06 The existing and proposed uses of the subject property.
- .07 A statement of any protective covenants or deed restrictions, in outline form, which are proposed to be recorded with the final plat.
- .08 A statement of proposed method of water supply, of sanitary sewage treatment and of disposal of storm waters from the subject property.
 - A. In the event private water wells are to be the proposed method of water supply, as provided in Section 13.07.140, the developer shall submit evidence of the availability of water on the site.

- B. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Section 13.07.150, the developer shall submit evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.
- .09 A statement of the manner in which it is proposed to finance improvements.
- .10 A statement of the general nature and type of improvements proposed for the Subdivision, and in what manner the developer intends to provide for their installation. The approximate time that such improvements will be completed shall be indicated.
- .11 Fifteen (15) blackline/blueline print copies of the preliminary plat as described in Section 13.04.020, below, along with one (1) reduced (11"x17" or 8 1/2" x 11" or 8 1/2" x 14") copy of the preliminary plat.
- .12 Two (2) blackline/blueline print copies of the plans showing the typical cross sections and center line profiles, with approximate grades, of all proposed public or private streets.
- .13 One (1) blackline/blueline print copy of the Erosion and Sedimentation Control Plan, approved by the appropriate Soil Conservation District, to show the plan of reducing erosion and controlling sediment on the Subdivision site during and after construction, prepared in accordance with this Ordinance and the standards and specifications of the Soil Conservation District.
- .14 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

13.04.020 **CONTENTS OF THE PRELIMINARY PLAT:** The preliminary plat shall be prepared by a licensed engineer or licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet; provided, however, that those areas of more than one hundred (100) acres may be at a scale of one (1) inch equals two hundred (200) feet. The preliminary plat shall show the following:

- .01 The name of the proposed Subdivision and an identification clearly stating that the document is a preliminary plat.
- .02 The date of the document, approximate true north point and the scale of the document.
- .03 The names and addresses of the owner of the land, the developer, if other than the owner, and the licensed engineer and/or licensed land surveyor who prepared the preliminary plat.
- .04 A description of the subject property prepared by a Licensed Land Surveyor, giving the location and dimensions of all boundary lines to be expressed in feet and decimals of a foot, with reference to section or quarter section lines.
- .05 The following existing conditions shall be shown on the preliminary plat:
 - A. The location, right-of-way width, surfacing width and names of all existing streets and easements of access, railroad right-of-ways, and utility easements within the Subdivision and within two hundred (200) feet thereof.
 - B. The location of any existing permanent buildings within the proposed Subdivision and existing buildings in projected alignment of any proposed public or private streets outside of the proposed Subdivision and within two hundred (200) feet thereof.
 - C. The location of pertinent features such as water bodies, wetlands, wooded areas, isolated preservable trees, rock outcroppings, parks, cemeteries, bridges and other permanent structures.
 - D. The location of all existing sanitary and storm sewers, culverts, water mains, gas lines and other underground installations within or immediately adjacent to the proposed Subdivision.
 - E. The location of water courses, drainage ditches and areas subject to flooding. Proposed Subdivisions located within areas subject to flooding shall include a contour line depicting the boundary of one hundred (100) year flood as shown in the Carroll County, Iowa, Flood Plain Study prepared by the Federal Emergency Management Agency.
 - F. Contour lines or spot elevations related to some established bench mark or mean sea level or other datum having the following intervals, as follows:

Major Subdivision

- 1. Five (5) foot contour intervals for ground slopes of ten (10) percent or more;
- 2. Two (2) foot contour intervals for ground slopes of less than ten (10) percent; and

3. Spot elevations where the ground is too flat for contours.
 - G. The location, elevation and descriptions of the bench mark controlling the survey.
- .06 The following information with respect to the manner in which the subject property is to be developed shall be included on the preliminary plat:
 - A. The location, dimensions, identification number and lot area of all proposed lots.
 - B. The location, right-of-way width, surfacing width and names of all proposed public or private streets.
 - C. The location, width and purpose of all proposed easements.
 - D. The location and type of all proposed utilities.
 - E. The location, dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
 - F. The location and width of all proposed building setback lines.
 - G. Indication of the use of all proposed lots, if other than single-family dwellings.
- .07 A vicinity map adequately covering the area within one-half (1/2) mile radius of the proposed Subdivision, at a scale of not less than (1) inch equals two thousand (2000) feet, showing the relation of the plat to the surrounding properties, streets, parks, schools and major commercial or industrial developments, and the boundary of the drainage area affecting the plat.
- .08 A certificate to be signed by the Zoning Administrator approving the preliminary plat with respect to compliance with the requirements of the County Zoning Ordinance.
- .09 A certificate to be signed by the County Engineer approving the preliminary plat with respect to proposed public improvements, if any.
- .10 A certificate for approval of the Commission to be signed by the Chairman and attested by the Zoning Administrator.
- .11 A certificate for approval of the County Board to be signed by the Chairman and attested by the County Auditor.
- .12 If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City.

13.04.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the Zoning Administrator and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.

13.04.040 DISTRIBUTION OF PRELIMINARY PLAT: The Zoning Administrator shall transmit copies of the preliminary plat to the County Engineer, the County Auditor and such other official body or agency as may be directed by the County Board. In addition to a copy of the preliminary plat, two (2) copies of the typical cross sections of the streets shall be transmitted to the County Engineer.

13.04.050 REVIEW OF PRELIMINARY PLAT: Comments and recommendation shall be filed with the Zoning Administrator as soon as practical, but normally within fifteen (15) working days. Copies of the Zoning Administrator's comments and recommendations as well as those of the responding individuals and agencies shall be submitted to the Commission.

13.04.060 RESERVED

13.04.070 PUBLIC HEARING BY COMMISSION: Before taking final action on each application, the Commission may hold a public hearing thereon.

Notice of a public hearing on a proposed Subdivision shall include the time and place of said public hearing and the place where the contents of the request may be examined, and shall be given in the following manner:

- .01 A notice of the public hearing shall be given by at least one (1) publication in an official newspaper in the County, within the time frames required by the Iowa Code.

.02 The Commission may recess a hearing in order to serve further notice upon other property owners or persons that the Commission determines may be interested in the amendment or to obtain additional information. Upon recessing for this purpose, the Commission shall announce the time and date when said hearing will be resumed.

13.04.080 **COMMISSION RECOMMENDATION:** The Commission shall transmit to the County Board its written recommendation. The Commission may recommend that the preliminary plat be approved; or it may recommend that the preliminary plat be approved with specified conditions; or it may recommend that the preliminary plat be disapproved.

13.04.090 **PUBLIC HEARING BY COUNTY BOARD:** After receipt of the written recommendation on the proposed Subdivision from the Commission, the County Board shall hold a public hearing on the proposed Subdivision application. Notice of the public hearing shall be given as provided by law.

13.04.100 **COUNTY BOARD ACTION:** The County Board shall consider the Commission's recommendation and shall either disapprove the preliminary plat; shall refer it back to the Commission for further consideration of specified matters; or shall, by resolution, approve the preliminary plat, with or without specified conditions to be accepted by the developer as a condition of such approval. Adoption of such a resolution shall require an affirmative vote of at least a majority of those voting.

13.04.110 **RECORD OF APPROVAL:** Any resolution adopted by the County Board approving a preliminary plat shall be given an official resolution number and shall be spread in the minutes of proceedings of the County Board.

.01 Following County Board action, the Zoning Administrator shall notify, in writing, the developer of the County Board's decision.

.02 If the preliminary plat is approved by the County Board, the Zoning Administrator shall return a signed blackline/blueline print copy of such plat to the developer.

13.04.120 **EFFECT OF APPROVAL OF PRELIMINARY PLAT:** Approval of the preliminary plat shall not constitute final acceptance of the Subdivision by the County Board, but shall signify merely the general acceptability of the proposed Subdivision. Such approval shall be deemed to be authorization to proceed with the preparation of the final construction plans and the final plat.

13.04.130 **EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL:** Within one (1) year from the day the County Board approves a preliminary plat, the developer shall apply for final plat approval, or the first part thereof if phased. If the Subdivision is phased, the developer shall apply for final plat approval of the second phase within two (2) years, the third phase with three (3) years, the fourth phase and the balance thereof within five (5) years from the date the preliminary plat was approved by the County Board. If the developer fails to apply for final plat approval within the appropriate time period, the preliminary plat, or remaining phase thereof, shall be void unless the developer requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.

13.04.140 **EXTENSION OF TIME LIMITATIONS:** The County Board may grant an extension of time of not more than two (2) years from the date required for submission of a final plat or any part thereof if phased. If a developer applies for an extension of time of submission of any part of a phased Subdivision, which is subsequently granted by the County Board, equal extensions are automatically granted for each of the remaining phases. A developer may apply only once for an extension of time, whether or not the preliminary plat is phased. If the County Board refuses to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof is phased, to the County Board within the appropriate time originally required or sixty (60) days from the day the extension request is denied by the County Board.

CHAPTER 13.05
FINAL CONSTRUCTION PLAN AND INSPECTION OF IMPROVEMENTS

13.05.010 **REQUIRED IMPROVEMENTS:** Upon County Board approval of a preliminary plat and prior to application for final plat approval, the developer shall:

- .01 Construct and install the required improvements, or;
- .02 Post a performance guarantee for the total cost of the improvements, or;
- .03 Construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed.

13.05.020 **SUBMISSION OF THE FINAL CONSTRUCTION PLANS:** The developer shall have a licensed engineer prepare the final construction plans for the proposed required improvements containing the data and information specified in Section 13.05.030, below. Four (4) blackline/blueline print copies of such plans shall be certified by a licensed engineer, and shall be submitted to the County Engineer in the following manner. The plans shall be accompanied by a fee as specified by the County Board.

- .01 In the event the developer chooses to construct and install the required improvements, as specified in Section 13.05.010.01, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the construction will commence.
- .02 In the event the developer chooses to post a performance guarantee for the total cost of the required improvements, as specified in Section 13.05.010.02, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the final plat is submitted for approval. Said final construction plans, upon submittal to the County Engineer, shall be accompanied by a detailed engineering estimate of cost for all improvements, estimated and certified by the developer's licensed engineer. These estimates will be utilized by the County Engineer for review and determination of the amount of the performance guarantee. The amount of the performance guarantee shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer.
- .03 In the event the developer chooses to construct and install a portion of the required improvements and post a performance guarantee for the remainder of the improvements not completed, as specified in Section 13.05.010.03, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the developer shall notify the County Engineer of his intent to post a performance guarantee for remaining improvements and shall submit the cost estimates for the remaining portion, as specified in Section 13.05.020.02.
- .04 In the event one (1) year has lapsed since the issuance of the performance guarantee and construction of the required improvements has not been completed, it shall be the responsibility of the developer to resubmit the detailed engineering estimates of cost and a new performance guarantee as required in Section 13.05.020.02.

13.05.030 **CONTENTS OF FINAL CONSTRUCTION PLANS:** The final construction plans for required lot or public improvements shall contain the following data and information.

- .01 Plans, details, specifications and cost estimates for street and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometrics for each street with a typical cross section.
The profiles of grade lines shall be shown to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the County Engineer.
- .02 Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
- .03 Plans, profiles, details, specifications and cost estimates proposed water distribution systems, water supply facilities and water hydrants, if any.

- A. Submittal of well test results, as provided in Section 13.07.140.04, when so required by the County Board at the time of preliminary plat approval.
- .04 Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.
 - A. Submittal of soil boring tests and/or percolation test results, as provided in Section 13.07.150.03, when so required by the County Board at the time of preliminary plat approval.
- .05 Grading plans for all lots and other sites within the Subdivision, including details and specifications for soil erosion and sedimentation control.
- .06 When unusual site conditions exists, the County Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
- .07 All plans shall be based on U.S.G.S. datum for vertical control, where feasible; where U.S.G.S. datum is not feasible, a datum plan may be assumed provided it is monument within a minimum of three (3) permanent bench marks for vertical control.
- .08 All plans for underground utilities shall be prepared by or at the direction of the utility company involved.

13.05.040 REVIEW OF FINAL CONSTRUCTION: The County Engineer shall transmit a copy of the final construction plans to the Zoning Administrator for review and comments. The County Engineer shall review the final construction plans in order to determine whether such plans are consistent with the approved preliminary plat and comply with the design standards and specifications described in Chapter 13.07.

If such plans are consistent and do comply, the County Engineer shall submit a notice to the Zoning Administrator that they so conform and comply, and shall return one (1) signed copy of the approved final construction plans to the developer. In the event that such plans do not conform and comply, the County Engineer shall notify the developer of the specific manner in which plans do not conform or comply, and the developer may then correct such plans. If such plans are not corrected, the County Engineer shall transmit a notice to the Zoning Administrator as to the items of nonconformity or noncompliance.

13.05.050 CONSTRUCTION OF IMPROVEMENTS: No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the final construction plans shall have been approved by the County Engineer.

13.05.060 INSPECTION: It is the responsibility of the developer to oversee the construction operations of the required improvements to assure that the work performed is in accordance with the final construction plans. Therefore the developer shall provide:

- .01 Full time construction inspection by a qualified inspector approved by the County Engineer during all phases of the construction. Daily progress reports must be maintained and submitted weekly to the County Engineer.
- .02 Quality control testing shall be performed by the developer and the results submitted to the County Engineer.

13.05.070 RESERVED.

13.05.080 FINAL INSPECTION: Upon completion of all improvements within the area covered by the final plat, the developer shall notify the County Engineer, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final construction plans, the County Engineer shall notify, in writing, the developer of such defects, deficiencies or deviations and the developer shall, at his sole cost and expense, correct such defects, deficiencies or deviations within six (6) months of the date of notification. When such

defects, deficiencies or deviations have been corrected, the developer shall again notify the County Engineer that the improvements are again ready for final inspection.

13.05.090 **ACCEPTANCE OF IMPROVEMENTS:** Prior to acceptance of the required improvements by the County Engineer, the developer shall provide:

- .01 A certification by the developer's licensed engineer that the work was completed in accordance with plans and specifications and meets all applicable County standards.
- .02 One (1) set of "as built" dimensionally stable plastic film and two (2) blackline/blueline print copies will be required to be submitted to the County Engineer prior to approval of the completed construction of the required improvements.

13.05.100 **REPORT TO COUNTY BOARD:** If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations the County Engineer shall certify to the County Board, within five (5) working days from the completion of inspection, that all improvements have been installed in conformity with the final construction plans. The receipt of such notification by the County Board shall constitute the date on which the two (2) year period specified in Section 13.05.110 shall commence.

13.05.110 **MAINTENANCE BOND:** The developer shall warrant the design, materials and workmanship of all required improvements, installations and construction for a period of two (2) years from and after completion. Such warranty shall be by a bond or other acceptable collateral, which shall assure the expedient repair or replacement of defective improvements under warranty and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

13.05.120 **COUNTRY ESTATES SUBDIVISION:** Upon the request of a developer and the recommendation of the Commission, the County Board may designate a proposed Subdivision situated within a Class R-1 (Rural Residential) District as a Country Estates Subdivision, which shall comply with the following standards and requirements of these regulations except as modified below:

- .01 In order to prevent private streets from being used as collector street, such streets may be approved only under one (1) or more of the following conditions:
 - A. Topographic conditions such as rivers, streams, ravines, or bluffs exist which would make it impractical to develop a collector or street.
 - B. Only frontage roads, loop streets, cul-de-sacs, or other similar street designs are proposed for the Subdivision.
 - C. Other conditions similar to the above that may warrant private streets as determined by the County Board.
- .02 In all Country Estates Subdivisions where private streets are to be approved, the improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety, and welfare.
 - A. All private streets shall conform to the standards and requirements of regulations as set forth in Sections 13.05.010 through 13.05.100, except Section 13.05.090; and as set forth in Chapter 13.07, except as modified herein.
 - B. The minimum right-of-way width shall be sixty-six (66) feet.
 - C. The minimum roadway top width shall be twenty-eight (28) feet.
 - D. Private streets shall be constructed with an adequately compacted subsoil base and proper drainage which shall be designed, inspected and certified by licensed engineer, and which shall be reviewed and approved by the County Engineer before the traffic surface is laid.
 - E. The private streets shall comply with the specifications of the County Engineer and shall be improved by base stabilization and seal coated with MC800.
 - F. The proposed storm sewer water drainage system shall be designed, inspected and certified by a licensed engineer and shall be reviewed and approved by the County Engineer before its construction is commenced.
 - G. Signs identifying the beginning of a private street system shall be placed at each arrow where a private street has access onto an existing street. Such signs shall be designed and

- constructed in accordance with the provisions of the Manual of Uniform Traffic Control Devices (MUTCD), as amended. The County Engineer or other appropriate State officials shall approve the placement of such signs which shall be installed by the developer and maintained by the Road Association.
- .03 In all Country Estates Subdivisions where private streets are to be approved, a Road Association agreement shall be established to:
 - A. guarantee access to all lots,
 - B. insure repair and maintenance of said facilities, including but not limited to the seal coat material specified in Subsection 13.05.120.02.F, and
 - C. such other requirements as stipulated by the County.
 - .04 No private street hereafter created shall become part of any County road system as defined in Chapter 306, Code of Iowa, as amended; and no improvements shall be made by the County, nor shall the County incur any expense for maintenance or repair of private streets or other facilities unless and until such streets and facilities shall have been improved in accordance with the standards and requirements of these regulations for a public street or improvement applicable at the time of dedication and accepted by the County.
 - .05 An agreement between the Road Association and the County Board shall be required and shall provide, if the right-of-way is to be dedicated at any time in the future, that prior to such dedication, the Association shall bring the street up to the standards and requirements for public streets applicable at the time of such dedication.
 - .06 An agreement between the Road Association and the County Board shall be required and shall provide that in the event the Association requests the County to accept the private street as public streets, and the clear title of the street right-of-way cannot be readily established, the County may exercise its right of eminent domain and condemn for title the street right-of-way. All expenses incurred by the County for such action, including preparation, hearings, documentation, and damage awards, shall be paid by the Road Association.
 - .07 Where private streets exist as of the effective date of these regulations and a new plat is proposed to gain access from these private streets, such plat will not be considered until the new plat owner has secured in writing the approval of the owners of all lots having legal access to the existing private streets. This approval shall include the willingness of all lot owners to enter into an association of lot owners in the form of a legal and valid document binding said owners to the repair and maintenance of existing private streets.

CHAPTER 13.06

FINAL PLAT

13.06.010 APPLICATION FOR FINAL PLAT APPROVAL: Following the approval of the preliminary plat and final construction plans in the case of a major Subdivision, the developer, if he wishes to proceed with the Subdivision, shall file, upon the form provided, an application for final plat approval with the Zoning Administrator for submission to the County Board. The application shall be accompanied by a fee as established by the County Board. The application shall contain the following information and documentation:

- .01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
- .02 The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the Subdivision.
- .03 The approved name of the Subdivision.
- .04 A copy of any protective covenants or deed restrictions affecting the Subdivision.
- .05 The performance guarantee, if required, as described in Chapter 13.05. If the required improvements have been completed in lieu of a performance guarantee, then a certificate signed by the County Engineer approving the installation of any required improvements.
- .06 Copies of the final plat of the following types and sizes, all of which shall bear the original signatures on the required certificates, as described in Section 13.06.020, below.
 - A. Six (6) blackline/blueline print copies of the final plat, at a size of not less than 11" x 17".

- B. One (1) reduced copy which is either 8 1/2" x 11" or 8 1/2" x 14" or 11"x17", of the final plat.
- .07 A statement from the mortgage holders or lienholders, if any, as required by Section 354.11, Code of Iowa, as amended.
- .08 An opinion by an attorney-at-law, as required by Section 354.11, Code of Iowa, as amended.
- .09 A certificate to be signed by the County Treasurer, as required by Section 354.11, Code of Iowa, as amended.
- .10 Such other and further information as the County Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- .11 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

13.06.020 **CONTENTS OF THE FINAL PLAT:** The final plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat shall show the following:

- .01 The approved name of the Subdivision.
- .02 The date of the document, approximate true north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.
- .03 The names and addresses of the owner of the land, the developer, if other than the owner, and the engineering firm or surveying firm that prepared the final plat.
- .04 The location by section, township, range, county and state and including descriptive boundaries of the Subdivision, based on accurate traverse, giving annular and linear dimensions which must mathematically close.
- .05 The exact location and layout of lots, public or private streets with accurate dimensions in feet and decimals of feet, interior angles, length and radii, arcs and intermediate tangents of all curves, and with all other information necessary to reproduce the plat on the ground.
- .06 The location of all existing and new streets within the Subdivision.
- .07 The names and width of all existing and new streets within the Subdivision.
- .08 The lot number and area of each lot within the Subdivision. The data on the area of each lot may be shown in a table format on the plat page on which said lot is drawn.
- .09 The location of all easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the Subdivision must be shown. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certification of identification.
- .10 The recorded reference of any protective covenants or deed restrictions affecting the Subdivision shall be shown as a notation on the final plat.
- .11 A statement by the proprietors and their spouse, if any, as required by Chapter 354.11, Code of Iowa, as amended.
- .12 A certificate signed by a licensed land surveyor, as required by Chapter 355, Code of Iowa.
- .13 A certificate to be signed by the Zoning Administrator approving the final plat with respect to compliance with the requirements of the County Zoning Ordinance.
- .14 A certificate to be signed by the County Engineer approving the final plat with respect to public improvements, if any.
- .15 A certificate for approval of the County Board to be signed by the Chairman and attested by the County Auditor.
- .16 If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City.

13.06.030 **APPLICATION ACCEPTANCE:** The application shall be considered as officially filed after it has been examined by the Zoning Administrator and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.

13.06.040 **REVIEW OF FINAL PLAT:** The Zoning Administrator shall transmit copies of the final plat to the County Engineer.

Copies of the Zoning Administrator's comments and recommendations, as well as those of the County Engineer, shall be submitted to the County Board.

13.06.050 **PUBLIC MEETING BY COUNTY BOARD:** The County Board shall consider the proposed final plat at public meeting. Notice of the public meeting shall be given as specified in Chapter 21, Code of Iowa, as amended.

13.06.060 **COUNTY BOARD ACTION:** The County Board shall, within sixty (60) days from the date of application acceptance for final plat approval, either disapprove the final plat or shall, by resolution, approve the final plat and accept the dedication of all streets, easements, parks and other public grounds for public use.

Adoption of a resolution shall require an affirmative vote of at least a majority of those voting.

13.06.070 **RECORD OF APPROVAL:** Any resolution adopted by the County Board approving a final plat shall be given an official resolution number and shall be spread in the minutes of proceedings of the County Board.

.01 The Zoning Administrator shall notify, in writing, the developer of the County Board's decision.

.02 If the final plat is approved by the County Board, the Zoning Administrator, after having retained one (1) blackline/blueline print copy and one (1) reduced copy of such plat, shall return all other copies to the developer, who shall retain one (1) print copy and distribute the others as follows:

A. One (1) print copy, at a size of not less than 11" x 17", to each of the following: County Engineer, County Auditor, County Assessor, and the appropriate City, if any.

B. One (1) print copy, at a size of not less than 11" x 17", to the County Recorder, to be recorded in accordance with the provisions of Chapter 354, Code of Iowa.

13.06.080 **RECORDING FINAL PLAT:** Approval of the final plat by the County Board shall be null and void if the final plat is not recorded with the County Recorder within ninety (90) days after the date of approval, unless an extension is requested by the developer within that time and granted by the County Board.

13.06.090 **FAILURE TO CONSTRUCT REQUIRED IMPROVEMENTS:** In the event a developer has posted a performance guarantee in lieu of actual construction of required improvements, the County Board may, thirty (30) days prior to the expiration of the performance guarantee, review the development of the Subdivision and may direct the County Engineer to execute the performance guarantee in order to assure that the required improvements are completed.

CHAPTER 13.07 DESIGN STANDARDS

13.07.010 **CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:** No Subdivision shall be approved and accepted by the County unless it conforms to the minimum requirements contained herein. In addition to these requirements, all Subdivisions shall comply with the following:

.01 The County Zoning Ordinance and all other applicable laws, rules and regulations of the appropriate local jurisdictions.

.02 The Comprehensive Land Use Plan and all other applicable plans adopted by the County.

.03 All applicable standards established and regulations adopted by the County Engineer and all officers, departments and boards of the County.

.04 All applicable laws, rules and regulations of the State and its duly constituted agencies.

.05 Approval may be withheld if a Subdivision is not in conformity with the above laws, rules and regulations, and the purposes of this Ordinance, as established in Section 13.01.020.

13.07.020 **LAND SUITABILITY**: No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare of the future residents of the Subdivision or the residents of the County, until such time as conditions causing the unsuitability are corrected. The following general standards shall apply:

- .01 The County Board, may when it deems it necessary for the health, safety or welfare of the present or future residents of the area, or necessary for the conservation of water, drainage and sanitary facilities, prohibit the Subdivision of any portion of the property which lies within the one hundred (100) year flood plain of any river or stream, into individual lots.
 - A. Residential Subdivisions shall provide all lots with a means of vehicular access that will remain passable during an occurrence of a one hundred (100) year flood.
- .02 Whenever a Subdivision is submitted for an area which is subject to ponding or poor drainage, the County Board may approve such Subdivision provided the developer fills the affected area of the Subdivision to an elevation sufficient to place the elevation of the streets and lots at a minimum of one (1) foot above the elevation of the maximum probable flooding, as determined by the developer's engineer, and approved by the County Engineer. Such Subdivision shall provide for an overflow area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow area nor any structure be erected or placed therein. The boundaries of the overflow area shall be subject to the approval of the County Engineer. Areas of extreme ponding or poor drainage should be discouraged.
- .03 Whenever a Subdivision is submitted for an area which is intended to be served by individual septic systems, the County Board may disapprove such Subdivision if any of the following conditions exist:
 - A. Lands altered or filled with non-earth materials.
 - B. Soils having a percolation rate of slower than one (1) inch per sixty (60) minutes.
 - C. Lands drained by farm drainage tile or farm ditch systems.
 - D. Lands having rock, impervious clay or ground water closer than thirty-six (36) inches to the final grade of the ground.
- .04 Whenever a Subdivision is submitted for an area where soil types indicate problems of erosion and sedimentation control, sanitary waste disposal, unstable foundations for streets and/or buildings and similar problems, the County Board may approve the Subdivision provided the developer submits plans to correct and alleviate such unsatisfactory conditions.
- .05 The County Board, in applying the provisions of this Section, shall in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the developer the opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the County Board may affirm, modify or withdraw its determination of unsuitability.

13.07.030 **RESERVED**

13.07.040 **PARKS AND OPEN SPACES**: In all residential Subdivisions wherein the majority of the lots have a lot area of ten thousand (10,000) square feet or less there shall be usable common open space dedicated or reserved for common open space land. Said open space land shall be developed as follows:

- .01 A minimum area of ten thousand (10,000) square feet, plus an additional two thousand (2,000) square feet for each lot over fifteen (15) lots, dedicated or reserved a usable, common open space dedicated or reserved for common open space.
- .02 The land areas reserved for common open space need not be contiguous to each other, but no parcel dedicated or reserved for common open space shall be less than ten thousand (10,000) square feet in size.
- .03 The length of the common open space shall not be more than five (5) times the width of the common open space;
- .04 The common open space shall be easily accessible to all property owners within the Subdivision;

- .05 Common open space land shall be clearly designated on the Subdivision plat as to character of use and development, and that it is intended for the private use of the residents of the Subdivision.
- .06 The following may be included in or considered part of common open space:
 - A. Environmentally sensitive land such as stream beds, marshes, and steep slopes; provided however, a minimum of fifty (50) percent of the land must be level ground that is contiguous and suitable for active recreation;
 - B. Bikeways, provided that right-of-way width is at least twelve (12) feet in width and there is a paved surface at least eight (8) feet wide, three (3) inches thick, provided on a well drained subsoil base. The provisions of 13.07.040.03 shall not apply to bikeways.
- .07 The following shall not be included in or considered part of the common open space:
 - A. Areas reserved for the exclusive use or benefit of an individual tenant or property owner;
 - B. Dedicated streets, common wells, sewer treatment facilities, open drainage ditches, drainage storage areas, other public right-of-ways, and other areas deemed unsuitable open spaces;
 - C. Vehicular drives, parking, loading and storage area.
- .08 Suitable provisions for maintenance and upkeep of open space shall be provided through a homeowner's association, deed covenants, or through other similar provisions as may be approved by the County Board.

13.07.050 **LOT DRAINAGE:** Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

13.07.060 **WATERBODIES AND WATERCOURSES:** If the tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of adjacent lots. The County Board may approve an alternate plan whereby the ownership of and responsibility for the safe maintenance of the water body is so placed that it will not become a County responsibility. None of the land which is under water shall be utilized to meet the minimum area of the lot required under the County Zoning Ordinance. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for the installation of a culvert or other structure, in accordance with standards and specifications approved by the County Engineer.

13.07.070 **RESERVED.**

13.07.080 **LOTS:** The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing zoning permits to build on all lots in compliance with the County Zoning Ordinance and in providing driveway access to buildings on such lots from an approved street.

- .01 The lot size, width, depth, shape and orientation, and the minimum front yard setback lines shall be appropriate for the location of the Subdivision and for the type of development and use contemplated, and shall comply with the minimum standards of the County Zoning Ordinance.
- .02 Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both streets.
- .03 RESERVED.
- .04 Where lots are more than double the minimum required area for the zoning district, the County Board may require that such lots be arranged so as to allow further Subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the County Zoning Ordinance and the provisions of this Ordinance.

Commission and County Board approval shall be required for any property line adjustment or parcel split which takes place on lots platted after the effective date of this Ordinance. The Commission may require that a resubdivision/replat be prepared in lieu of a property line adjustment or parcel split.

- .05 Depth and width of lots reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated, as established in the County Zoning Ordinance.
- .06 Every lot shall abut or have unrestricted access to a public or private street by perpetual easement of access. No more than two (2) lots may be accessed exclusively by easement. (3-19-12)
- .07 In general, side lot lines shall be at right angles to street lines, or radial to curving street lines, unless a variation from this requirement will give a better street or lot layout.
- .08 Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

13.07.090 FRONTAGE REQUIRED: All major Subdivisions shall be in areas in which the property lies immediately adjacent to or has direct access from a hardsurfaced public street. In the event the Subdivision is proposed to be developed as a country estates subdivision, the interior private street shall be developed as stipulated in Section 13.05.120; however, the public street leading to the interior private street shall be a hardsurfaced public street. In the event the proposed Subdivision is situated on an existing graveled public street it shall be the developer's responsibility to have a hardsurfaced public street constructed from the Subdivision entrance road(s) or from the Subdivision frontage to another hardsurfaced public street.

13.07.100 STREET LAYOUT AND DESIGN: The arrangement, character, extent, width, grade and location of all streets shall be designed with consideration of and in relationship to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such streets. The layout and design of streets in all Subdivisions shall conform to the following:

- .01 Streets shall provide, where practical, for the continuation or appropriate projection of existing streets in the surrounding area.
- .02 Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, at or above, the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- .03 Streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed uses.
- .04 Local streets shall be laid out to conform as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access of property.
- .05 The rigid rectangular gridiron street pattern should be avoided wherever possible and the use of curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable layout.
- .06 Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by the topography or other physical conditions, or unless in the opinion of the County Board such extension is not necessary or desirable for the coordination of the layout of the Subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- .07 In nonresidential Subdivisions, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, truck loading and maneuvering areas, walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

13.07.110 STREET STANDARDS: Street standards including, but not limited to, right-of-way widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications

pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the County Engineer.

- .01 Dedication of additional right-of-way shall be required for any Subdivision having frontage on an existing street which does not meet with the minimum right-of-way width required by the County Engineer.
- .02 Dead-end streets, designed to be so permanently, shall be no longer than nine hundred (900) feet. All permanent dead-end streets shall terminate in a cul-de-sac with a minimum right-of-way diameter of one-hundred (100) feet.
- .03 Dead-end streets, designed to be so temporarily, shall extend to the property line. A temporary "T" shaped turnaround shall be provided on all temporary dead-end streets, with the notation on the final plat that the land outside of the normal street right-of-way shall revert to abutting land owners whenever the street is continued. The length of a temporary dead-end street shall not exceed one thousand three hundred and twenty (1,320) feet.
- .04 Guard rails and warning posts shall be placed as required by the County Engineer, along the shoulder of any street where the construction of such street has created a severe embankment.
- .05 Curb and gutter type construction of streets may be required by the County Engineer in subdivisions wherein lot density and topography has the potential of creating erosion, drainage and/or stormwater management problems.
- .06 All pavements shall meet or exceed the structural equivalency of seven (7) inches of portland cement concrete (pcc), based on current AASHTO "Guide for Design of Pavement Structures".
- .07 All pavements shall meet or exceed minimum standards based on current Iowa Department of Transportation specifications.

All costs incurred to test for assurance that the minimum standards have been met shall be the responsibility of the developer.
- .08 Bump correction or smoothness correction or both may be required.
- .09 Streets which exceed one thousand three hundred twenty (1320) feet in length shall use a slip form paver when furnishing portland cement concrete.

13.07.120 **ACCESS TO ARTERIALS:** Where a Subdivision borders on or contains an existing or proposed arterial street, the County Board may require that access to such streets be limited by one of the following means:

- .01 The Subdivision of lots so as to back onto the arterial street and front onto a parallel local street. No access shall be provided from the arterial street and screening shall be provided in a strip of land along the rear property line of such lots.
- .02 A series of cul-de-sac or loop streets, entered from and designed generally at right angles to such parallel street, with the rear lines of their terminal lots backing onto the arterial street.
- .03 A marginal access street, separated from the arterial street by a buffer or grass strip and having access thereto at suitable points.
- .04 Where the County Board determines that driveway access directly from an arterial street is necessary for several adjoining lots, the County Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial streets.

13.07.130 **RAILROADS AND LIMITED ACCESS HIGHWAYS:** Railroad right-of-ways and limited access highways where so located as to affect the Subdivision of adjoining lands shall be treated as follows:

- .01 In residential Subdivisions, a buffer strip of at least twenty-five (25) feet in depth, in addition to the normal depth of the lot required in the zoning district, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the final plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

- .02 In nonresidential Subdivisions, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for the commercial or industrial sites.
- .03 Streets parallel to a railroad or limited access highway when intersecting a street which crosses the railroad or limited access highway at grade shall, to the extent practical, be at a distance of at least one hundred fifty (150) feet from such right-of-way. Such distance shall be determined with consideration of the minimum distance required for further separation of grades by means of appropriate approach gradients.

13.07.140 **WATER SUPPLY:** The developer shall make provisions for an approved, adequate supply of potable water to every lot in the subdivision as follows:

- .01 Where an adequate public water supply system is reasonably accessible, the developer shall provide a complete public water supply system, including all hydrants, valves and other appurtenances and a service connection to each lot throughout the entire subdivision.

Such system shall extend into and through the subdivision to the boundary lines and shall be connected to a public water system. Such water supply system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities. All water mains shall be of such size as to support the use of fire hydrants, as described below.

Fire hydrants shall be required for all subdivisions provided with a public water supply. Fire hydrants shall be placed in accordance with the Uniform Fire Code. To eliminate future street excavations, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final surfacing of a street shown on the final plat.
- .02 Where an adequate public water supply system is reasonably accessible, the developer may provide a rural water system, including all valves and other appurtenances and a service connection to each lot throughout the entire subdivision.
- .03 Where an adequate public water supply system is not reasonably accessible, the developer may provide a complete common water supply. Such water supply system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
- .04 Where an adequate public or common water supply system is not reasonably accessible or not required, private water wells may be used for the purpose of providing a private water supply system.
 - A. The developer shall submit, with the preliminary plat, acceptable evidence of the availability of water on the site. The developer may be required to make one (1) or more test wells within the boundaries of the subdivision if the evidence is deemed unacceptable by the County Board. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with the Carroll County, Iowa, Private Water Well Ordinance.
 - B. Private water wells, if approved, may be drilled at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

13.07.150 **SANITARY SEWER:** The developer shall make provisions for an approved, sanitary means of sewage disposal for every lot in the subdivision as follows:

- .01 Where an adequate public sanitary sewer system is reasonably accessible, the developer shall provide a complete public sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall extend into and through the subdivision to the boundary lines and shall connect to a public sanitary sewer system. Such sanitary sewer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.
- .02 Where an adequate public sanitary sewer system is not reasonably accessible, the developer may provide a complete common sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall be designed

and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.

- .03 Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.
 - A. The developer, shall submit, with the preliminary plat, acceptable evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site. The developer may be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision if the evidence is deemed unacceptable by the County Board. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with the Carroll County, Iowa, Onsite Wastewater Treatment and Disposal System Ordinance.
 - B. Lots where onsite wastewater treatment and disposal systems are proposed shall provide adequate space for two (2) such systems. The area dedicated for the second system is provided as a back up when the first system fails.
 - C. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

13.07.160 STORM SEWER: Adequate storm sewer systems shall be planned and constructed as required throughout the Subdivision to carry off storm water from all inlets and catch basins and be connected to an approved outfall. There shall be provided storm-water sewers or a surface drainage system to serve adequately the area being subdivided, considering but not limited to the use of existing drainage channels whenever possible. The design of the drainage system shall consider the storm drainage area of which the Subdivision is a part and existing watercourses. All storm drainage facilities shall be constructed based upon criteria established by the County Engineer. The County shall only be responsible for maintenance of storm water sewer structures which lie within the County Road right-of-way.

13.07.170 EASEMENTS: Easements shall be provided for utility service, including storm sewer drainage structures, where necessary. Easements for sanitary sewer, storm sewer facilities and water supply and distribution lines shall be at least twenty (20) feet in width and other easements shall be at ten (10) feet in width. All easements shall be established for water, sewer, telephone, electrical , cable, data transmission and other as yet unidentified technologies at the front, rear and side of each lot and to provide continuity of alignment from block to block. However, the combined width of such easements shall be equally divided between adjoining lots within any proposed Subdivision.

- .01 All utility distribution lines for telephone, electric, natural gas data transmission, cable television service and other as yet unidentified technologies to be installed shall be placed underground within easements or dedicated public right-of-ways. The installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the State of Iowa, now or hereafter effective, and the owner or developer of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities.
- .02 Where a Subdivision is traversed by a watercourse, drainage way, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated storm water drainage through and from the Subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and to allow access to the structure for construction and maintenance equipment.
- .03 A screen planting easement may be required between residential and commercial or industrial lots. If such easement is to be used for public utilities, additional width may be required to assure that maintenance of the utilities would not be detrimental to the plantings.

.04 Parks situated in the interior of blocks shall have direct and public access to surrounding streets by an easement at least twenty (20) feet wide, and shall be covered by the restrictive covenants as to maintenance.

13.07.180 **RESERVE STRIPS:** The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

13.07.190 **SUBDIVISION NAME:** The proposed name of the Subdivision shall not duplicate, or too closely approximate phonetically, the name of any other Subdivision in the County.

13.07.200 **STREET NAMES:** The proposed names of all new streets shall be shown on the preliminary plat and such names shall be sufficiently different in sound and in spelling from other street names in the County so as not to cause confusion. The County Board reserves the right to alter or change the proposed name of any street at any time prior to the approval of the final plat. Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street, shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or other similar suffix.

13.07.210 **STREET REGULATORY SIGNS:** At the time of final plat approval, the developer shall pay the County the total cost, including installation, for all street regulatory signs, including street name signs, required by the County Engineer along all streets and at all intersections within or abutting the Subdivision.

13.07.220 **PRIVATE STREETS:** Upon the request of the developer with an application for a preliminary plat and the recommendation of the Commission, the County Board may approve a Subdivision within the R-1 (Rural Residential) District wherein access to the lots is provided by private streets, provided such streets are improved in accordance with the design standards and specifications set forth in these regulations and are dedicated to the public in accordance with the provisions of Chapter 13.05.

13.07.230 **RESERVED.**

13.07.240 **PEDESTRIAN WALKWAYS:** Pedestrian walkways may be required by the County Board through the center of blocks of more than six hundred (600) feet in length where deemed essential to provide circulation or access to schools, parks, shopping centers, transportation, or other community facilities. A pedestrian walkway shall have a width of not less than ten (10) feet. A sidewalk, constructed in accordance with the requirements of Section 13.07.250 for sidewalk improvements, shall be placed along the entire length of such walkway.

13.07.250 **SIDEWALKS:** Whenever provided, sidewalks shall be constructed of portland cement concrete in accordance with the design standards and specifications approved by the County Engineer. Sidewalks shall be a minimum of four (4) feet in width and four (4) inches in depth and shall be located within the street right-of-way, parallel to and within two (2) foot of the lot line.

.01 Sidewalks may be provided for all streets in nonresidential Subdivisions.

.02 Sidewalks shall be required on either side of all streets in Subdivisions where the majority of the lots are ten thousand (10,000) square feet or less.

13.07.260 **ENTRANCES INTO INDIVIDUAL LOTS:** It shall be the financial responsibility of the developer to pay for the material and labor required to install individual driveway entrance tubes along County roads, when so required. This expense may be borne by a subsequent lot owner at the time development of the lot takes place.

13.07.270 **MONUMENTATION:** The surveyor shall cause to be placed permanent reference monuments in the Subdivision as required in Chapter 355, Code of Iowa, as amended.

13.07.280 **SELF-IMPOSED RESTRICTIONS:** The County Board, following the review and comment of the Commission, shall have the right to agree with the developer regarding the type and character of the development to be permitted within the Subdivision, and may require that certain minimum regulations regarding this matter be incorporated in any protective covenants or deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate character of development in the property to which is subdivided.

**CHAPTER 13.08
AMENDMENTS**

13.08.010 **COUNTY BOARD MAY AMEND ORDINANCE:** Whenever the public necessity, convenience, general welfare or good Subdivision practice require, the County Board may by ordinance subject to the procedure provided in this Chapter amend the text of this Ordinance or amendments thereof.

13.08.020 **AUTHORIZATION FOR AMENDMENTS:** An amendment to the text of this Ordinance may be initiated by action of the County Board or Commission; or by application of an owner of property situated within the County.

13.08.030 **APPLICATION FOR AMENDMENTS:** An application for an amendment shall be filed, upon the form provided, with the Zoning Administrator for submission to the Commission. The application shall be accompanied by a fee as specified by the County Board and by such data and information as may be prescribed by the Commission. An application for a zoning text amendment shall contain a statement setting forth the proposed amendment or supplemental to the regulations of this Ordinance. The application shall contain the following information and documentation:

- .01 The name, address and telephone number of the owner of the land and the applicant, if other than the owner.
- .02 The precise wording of the proposed amendment.
- .03 A statement of the need and justification for the proposed amendment.
- .04 Such other and further information and documentation as the Zoning Administrator, Commission or County Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

13.08.040 **PUBLIC HEARING BY COMMISSION:** Before taking final action on a proposed amendment to the text of this Ordinance the Commission may hold a public hearing thereon. Notice of a public hearing shall include the time and place of said public hearing and the place where the contents of the amendment may be examined, and shall be given in the following manner:

- .01 A notice of the public hearing shall be given by one (1) publication in an ~~all of the~~ official newspapers in the County not less than four (4) nor more than twenty (20) days prior to the public hearing.
- .02 The Commission may recess a hearing in order to serve further notice upon persons that the Commission determines may be interested in the amendment or to obtain additional information. Upon recessing for this purpose, the Commission shall announce the time and date when said hearing will be resumed.

13.08.050 **COMMISSION RECOMMENDATION:** Following such hearing the Commission may recommend that the application be granted as requested, or it may recommend a modification of the text amendment requested, or it may recommend that the application be denied.

It shall be the duty of the Commission to submit to the County Board its written recommendation on all applications for amendments, supplements, or changed to the regulations established by this Ordinance.

13.08.060 **PUBLIC HEARINGS BY COUNTY BOARD:** After receipt of the written recommendation on the proposed amendment from the Commission, the County Board shall hold a public hearing thereon.

13.08.070 **COUNTY BOARD ACTION:** Following such public hearing, the County Board shall consider such recommendation by the Commission and vote upon the passage of the proposed amendment.

Passage of the proposed amendment shall require an affirmative vote of not less than a simple majority of the entire County Board.

13.08.080 **RECORD OF AMENDMENT:** In addition to the official ordinance number enacting the provisions of this Ordinance, all ordinances passed and approved by the County Board amending the text of this Ordinance shall be given individual supplemental numbers. The Zoning Administrator shall maintain a current, permanent record of all amendments to the text of the Ordinance in a form convenient for public inspections.

CHAPTER 13.09 FEES

13.09.010 **FILING FEES REQUIRED:** A filing fee in accordance with the established fee schedule shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitting the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.

13.09.020 **FEE SCHEDULE:** The fee schedule as established by the County Board for matters pertaining to this Ordinance.

13.09.030 **PAYMENT OF FEES:** All fees mentioned above shall be paid to the Zoning Administrator for transfer to the County Treasurer for the general fund of Carroll County, Iowa.

13.09.040 **FEE REFUND:** Whether the request is granted or denied by the Zoning Administrator, County Engineer, Commission, or County Board the applicant shall not be entitled to a refund of the fee paid.

CHAPTER 13.10 ENFORCEMENT AND LEGAL STATUS PROVISIONS

13.10.010 **VIOLATIONS AND PENALTIES:** Any person violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions contained in this Ordinance shall be deemed guilty of a County infraction.

.01 A County infraction is a civil offense punishable in the following schedule of civil penalties

- | | |
|------------------------------------|----------|
| A. First offense | \$ 50.00 |
| B. Second offense | \$100.00 |
| C. Third and subsequent offense(s) | \$200.00 |

.02 Each and every day that the violation is permitted to exist after notification shall constitute a separate offense.

.03 Each and every violation (including each and every lot or parcel sold) or noncompliance of the separate provisions of this Ordinance violated shall constitute a separate offense.

.04 The owner of the land, and any agent, engineer, land surveyor, contractor, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

.05 Enforcement of a County infraction shall be pursuant to Section 331.307, Code of Iowa, and the "Carroll County, Iowa, Administrative Rules for Citing County Infractions", or any amendments thereto.

.06 Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including, but not limited to, criminal prosecution, as a simple misdemeanor; an order for abatement; or injunctive relief.

.07 In the event that any person violating any of the provisions contained in this Ordinance is deemed guilty of a simple misdemeanor and upon conviction thereof, shall be punished by a fine

not to exceed one hundred (100) dollars or by imprisonment for a term not to exceed thirty (30) days for each offense.

- .08 The provisions of Subsection 13.10.010.02 through 13.10.010.04 are applicable to simple misdemeanors.
- .09 Nothing herein contained shall prevent the County from taking such other lawful action as necessary to prevent or remedy any violation.

13.10.020 **OTHER LEGAL REMEDIES:** In addition to the penalties described above, the County Board or other proper local authorities of the County, as well as any owner of real estate within the jurisdiction of the County affected by the regulations, may institute any appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alternation, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.