

THE UNINCORPORATED AREA OF CLARKE COUNTY, IOWA

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An ordinance regulating the subdivision of land prescribing standards for subdivisions and for the improvement thereof, prescribing procedures for the review of proposed subdivision plats and establishing fees therefore, and prescribing penalties for the violation of such ordinance. This ordinance is in conformance with Chapter 354 of the Code of Iowa.

ARTICLE I: GENERAL PROVISIONS

1.01 Short Title:

This ordinance shall be known as the “Subdivision Ordinance” of Clarke County, Iowa.

1.02 Purpose:

The purpose of this ordinance is to provide minimum standards for the design, development, and improvements of all new subdivisions and resubdivisions of land, so that existing land uses will be protected, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of citizens of Clarke County, Iowa.

1.03 Application:

Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into three (3) or more parts, any part of which is less than forty (40) acres, for the purpose of laying out an addition, subdivision building lot, or lots, acreage or suburban lots within the County, shall cause plats of such area to be made in the form and containing the information as hereinafter set forth, before selling or offering for sale any lots therein contained or placing the plat on record.

1.04 Recording of Plat:

No subdivision plat, resubdivisions plat or street dedication within Clarke County, Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until final plat of such subdivision, resubdivisions, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

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

1.05 Fees Established:

The Governing Body shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or resubdivisions shall be considered filed with the Governing Body, unless and until said plat is accompanied by the fee, as established by resolution of the Governing Body, and as required by this ordinance.

1.06 Penalties:

Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the Governing Body, and recorded as required by law shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the county’s rights to any other remedies available to the county for the enforcement of this ordinance (Code of Iowa, Chapter 354).

1.07 Building Permit to be denied:

No building permit shall be issued for construction on any lot, parcel, or tract where a subdivision is required by this ordinance unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been installed.

ARTICLE II: DEFINITIONS

2.01 Terms Defined:

For the purposes of this ordinance, certain words herein shall be defined as and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term “shall” is always mandatory, and the term “may” is permissive.

1. *Acquisition plat* means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or to other persons having the power of eminent domain.

2. *Aliquot part* means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one quarter, or one quarter of one-quarter shall be considered an aliquot part of a section.
3. *Alley* means public property dedicated to public use primarily for vehicular access to back or side of properties otherwise abutting on a street.
4. *Auditor's plat* means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.
5. *Block* means an area of land within a subdivision that is entirely bounded by streets, railroad right-of-way, rivers, tracts of public land, or the boundary of the subdivision.
6. *County Engineer* means the professional engineer registered in the State of Iowa designated as County Engineer by the Governing Body or other hiring authority.
7. *Comprehensive Plan* means the general plan for development of the community, that may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Governing Body. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
8. *Conveyance* means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
9. *Cul-de-Sac* means a street having one end connecting to another street and the other end terminated by a vehicular turn around.
10. *Division* means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.
11. *Easement* means an authorization by a property owner for another to use a designated part of his property for a specified purpose.
12. *Flood Hazard Area* means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one-hundred (100) year flood; as designated by the Iowa Natural Resource Council or the Federal Insurance Administration.
13. *Floodway* means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one-hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
14. *Forty-acre Aliquot Part* means one-quarter of one-quarter of a section.
15. *Governing Body* means the Board of Supervisors of Clarke County, Iowa.
16. *Government lot* means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
17. *Improvements* means changes to land necessary to prepare it for building sites including but not limited to grading, filing, street paving, curb paving, side walks, walkways, water mains, sewers, drainage ways, and other public works and appurtenances.
18. *Lot* means a tract of land represented and identified by number or letter designation on an official plat.
19. *Lot, Corner*: The term "corner lot" means a lot situated at the intersection of two streets.
20. *Lot, Double Frontage*: The term "double frontage lot" means any lot that is not a corner lot that abuts two streets.
21. *Metes and Bounds description* means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
22. *Official Plat* means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the recorder, auditor and assessor.
23. *Owner* means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
24. *Parcel* means a part of a tract of land.
25. *Permanent Real Estate index number* means a unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.
26. *Planning and Zoning Commission* means the appointed commission designated by the Governing Body for the purpose of this ordinance, and may also be the zoning commission, in which case such commission shall be known as the Planning and Zoning Commission.
27. *Plat* means a map, drawing or chart on which a subdivider's plan for the subdivision of land is presented, that he or she submits for approval and intends, in final form, to record.
28. *Plat Officer* means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
29. *Plat of Survey* means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
30. *Proprietor* means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excludes persons holding mortgage, easement, or lien interest.
31. *Resubdivision* means any subdivision of land that 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.

32. *Street* means public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” May refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
33. *Street, Arterial*: The term “arterial street” means a street primarily intended to carry traffic from one part of the county to another, and not intended to provide access to abutting property.
34. *Street, Collector*: The term “collector street” means a street primarily designed to connect smaller areas of the county, and to carry traffic from local streets to arterial streets.
35. *Subdivider* means the owner of the property being subdivided, or such other persons or entity empowered to act on the owners’ behalf.
36. *Subdivision* means the division of land into three (3) or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.
37. *Subdivision Plat* means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
38. *Surveyor* means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.
39. *Tract* means an aliquot part of a section, a lot within an official plat, or a government lot.
40. *Utilities* means system for the distribution or collection of water, gas, electricity, wastewater, and storm water.

ARTICLE III IMPROVEMENTS

3.01 Improvements Required:

The subdivider shall, at his or her expense, install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the county, and as shown on the preliminary plat.

3.02 Inspections:

All improvements shall be inspected to insure compliance with the requirements of this ordinance. The cost of such inspection be borne by the subdivider, and shall be the accrual cost of the inspection to the county.

3.03 Minimum Improvements;

The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety, and welfare:

- a. *Streets*: The subdivider of land being subdivided shall provide the grading, of the entire street right-of-way, alley or public place and provide appropriate paving on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the county.
- b. *Sanitary Sewer System*: The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to the present or reasonably foreseeable needs. Where connection to a central sewer system, or the construction of a central sewage collection and treatment system cannot be accomplished, septic systems may be allowed.
No subdivision to be served by septic systems shall be approved unless and until percolation tests have been performed the test results of such tests have been provided to and reported on by the County Engineer and the County Health Officer. Such septic systems, if approved, may be installed by the subdivider, or by a subsequent owner at the time development of the lot takes place.
- c. *Storm Sewer System*: The subdivider of the land being platted shall install and construct a storm water drainage and/or storm water sewer system adequate to serve the area, including anticipated extension of use to serve additional areas, so as to prevent undue runoff onto adjacent land.
- d. *Water System*: The subdivider of land being platted shall make appropriate provision for a suitable water supply for each platted lot or parcel. Such water supply shall be appropriate for the character of the development proposed. No subdivision shall be approved until and unless the proposed system for providing the water has been approved by the County Engineer and the County Health Officer. Individual wells, if approved, may be installed by a subdivider, or by a subsequent owner at the time development of a lot takes place.
- e. *Other Improvements*: The subdivider of the land being platted shall be responsible for the installation of sidewalks and walkways necessary to secure pedestrian safety, grading and seeding or sodding of all lots, the planting of any required trees, and the installation of street signs and street lighting as required.

3.04 Easement Required:

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

adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the County an easement along said streams and watercourses as necessary for the proper maintenance of the watercourse, and as approved by the County.

3.05 Maintenance of Improvements:

Unless otherwise approved by the governing body, improvements required to be installed shall remain the property and the responsibility of the subdivider, or successors in the interest to the lands being subdivided. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not need to assume maintenance responsibility for any such improvements, have been approved by the County Attorney and the Governing Body.

ARTICLE IV: MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

4.01 Standards Prescribed:

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

4.02 Land Suitability:

No land shall be subdivided that is found unsuitable for subdividing by reasons of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topographical or other conditions likely to be harmful to the public health, safety, and general welfare, unless such unsuitable conditions are corrected to the satisfaction of the county.

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

4.03 Lands Subject to Flooding:

No subdivision containing land located in a floodway or on a flood hazard area shall be approved by the County without the approval of the Iowa Natural Resources Council. No land shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the zoning ordinance for the zone in which the lot is located.

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

- a. Included within individual lots in the subdivision subject to the limitations of this section.
- b. Reserved as open space for recreational use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the county, providing for its care and maintenance by such owners.
- c. If acceptable to the County, dedicate to the County as open space for recreation of flood control purposes.

4.04 Plat to Conform to Comprehensive Plan:

The arrangement, character, extent, width, grade and location of all streets, and the general nature and extent of the lots and uses proposed, shall conform to the Comprehensive Plan of the County, provided such plan has been adopted by the County, and shall conform to such other plans, including but not limited to a County Road or Street Plan, a Sanitary Sewer System Plan, a Water System Plan, or a Park and Open Space Plan, provided such plan has been adopted by the County.

4.05 Construction Standards for Improvements:

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

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

4.06 Street Standards:

The following standards shall apply to all streets located within the subdivision:

- a. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive plan or County Road or Street Plan, the plat shall provide for such street.
- b. Street grades shall align to existing streets, and all grades for streets shall be as approved by the County.
- c. New arterial streets shall be located so as to not require direct access from the arterial street to abutting lots
- d. Street right-of-way and pavement widths shall be as specified I the Comprehensive Plan, County Road, or Street Plan, or Technical Standards for Public Improvements.

- e. Half-streets are prohibited, except where an existing platted half street abuts the subdivision, a platted half-street to complete the street shall be required.
- f. Minor streets should be designated to discourage through traffic while safely connecting to major streets or roads.
- g. Street jogs with centerline offsets of less than one hundred twenty five (125) feet shall be prohibited, except where topography, or other physical, conditions make such jogs unavoidable.
- h. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.
- i. At intersections of major streets, and otherwise necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
- j. Streets that connect with other streets, or loop streets, are preferable, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed 800 feet in length unless a greater length is unavoidable.
- k. In general, alleys shall be in residential areas and required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred (100) feet.
- l. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision.
- m. Streets that are or will become extensions of existing streets shall be given that same name as the existing streets. New street names should not be the same or sound similar to existing street names. All street names shall be at the approval of the Governing Body.

4.07 Block and Lot Standards:

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

- a. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.
- b. Block and lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding users.
- c. The size and shape of all lots shall comply with all requirements of the zoning ordinance for the zone in which the lot is located.
- d. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least thirty-five (35) feet measured as a straight line between the two front lot corners.
- e. Unless unavoidable, lots shall not front or have direct access to arterial streets or county roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- f. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in judgment of the Governing Body, a variation to this provision will provide a better street and lot layout.
- g. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.
- h. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

4.08 Parks and Open Space:

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

4.09 Parks and School Sites Reserved:

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

- a. Proposed park sites shall be reserved for three (3) years, giving the County or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and the date of purchase by the public agency. Should the park sites not be purchased within three (3) years, the subdivider may then revise the final plat.
- b. Proposed school sites shall be reserved for three (3) years, giving the appropriate school district option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and the date of purchase by the public agency. Should the school sites not be purchased within three (3) years, the subdivider may then revise the final plat.

ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

5.01 **Pre-Application Conference:**

Whenever a subdivision located in the County is proposed, the owner and subdivider shall schedule a Pre-application Conference with the Plat Officer. The conference should be attended by the Plats Officer and such other County or utility representatives as is deemed desirable; and by the owner and his or her engineer, and/or planner, as deemed desirable. If any portion of the land to be subdivided lies within two (2) miles of any Municipality in the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Plat Officer shall notify the City in writing, and shall invite the appropriate City representative to attend the Pre-Application Conference.

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

5.02 **Sketch Plan Required:**

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

5.03 **Presentation to Planning Commission or Governing Body:**

The subdivider may present the sketch plan to the Planning Commission and Governing Body for review, prior to incurring significant costs preparing the preliminary or final plat.

5.04 **Subdivision Classified:**

Any proposed subdivision or resubdivision shall be classified as a minor subdivision or a major subdivision:

- a. *Minor Subdivision:* Any Subdivision that contains not more than four (4) lots fronting on an existing street and that does not require the construction of any public improvements, and that does not adversely affect the remainder of the parcel, shall be classified as a minor plat.
- b. *Major Subdivision:* Any subdivision that, in the opinion of the Governing Body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

5.05 **Plats Required:**

In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the County, plats and other information as required by this ordinance. The owner and subdivider of any major subdivision shall comply with the requirements for a final plat. The owner and subdivider of a minor subdivision may elect to omit the submission of a preliminary plat.

5.06 **Requirements of the Preliminary Plat:**

The subdivider shall prepare and file with the Plat Officer, twenty (20) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1"=100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24"x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other streets adjoin.

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

- a. Title, scale, north point and date on each sheet.
- b. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County.
- c. The names and address of the owner and the name, address, and profession of the person preparing the plat.
- d. A key map showing the general location of the proposed subdivision in relation to surrounding lands.
- e. The names and locations of adjacent subdivisions and the names of record owners and location adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- f. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.
- g. Existing and proposed zoning of the proposed subdivision and adjoining property.
- h. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
- i. The legal description of the area being platted
- j. The boundary of the area being platted, shown as a dark line, with approximate length of boundary lines and the approximate location of the property in reference to known section lines.
- k. The layout, numbers and approximate dimensions of proposed lots.
- l. The location, width and dimensions of all streets.
- m. The proposed names for all streets in the area being platted.

- n. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.
- o. Proposed easements showing locations, widths, purposes, and limitations.
- p. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purpose, or shown for such purposes in the Comprehensive Plan or to other adopted plans.
- q. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat shall be attached.
- r. Any other pertinent information, as necessary.

5.07 Procedures for review of Preliminary Plats:

- a. The Plat Officer shall provide copies of the plat to the County Engineer, and such other persons as necessary to review the plat: and shall schedule the plat for consideration by the Planning and Zoning Commission. The Plat Officer shall maintain a copy of the plat for public inspection.
- b. The County Engineer shall examine the plat as to its compliance with the requirements of the ordinances and standards of the County and good engineering practice and shall report his or her findings regarding the plat to the Planning and Zoning Commission.
- c. The Planning Commission shall examine the plat and the report of the County Engineer, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the County and conforms to the Comprehensive Plan and other duly adopted plans of the County. The Planning and Zoning Commission shall, within forty-five (45) days of the filing of the plat with the Plat Officer, forward a report and recommendation regarding the plat to the Governing Body. If such recommendation is to disapprove or modify the plat, the reasons thereof shall be set forth in writing in the report and a copy of the recommendation shall be provided to the applicant.
- d. The Governing Body shall examine the plat, the report of the County Engineer, the report of the Planning and Zoning Commission, and such other information as it deems necessary or desirable. Upon such examination, the Governing Body shall ascertain whether the plat conforms to the ordinances and standards of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, in order to protect the public health and welfare. Following such examination, the Governing Body may approve, approve subject to conditions, or disapprove the plat. If the decision of the Governing body is to disapprove the pat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the Governing Body, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Governing Body shall be taken within sixty (60) days of the filing of the plat with the Plats Officer. However, if any portion of the land to be subdivided lies within two (2) miles of any Municipality in the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Governing Body shall defer final action on the plat until action has been taken by the Municipality.

5.08 Duration of Approval of Preliminary Plat:

The approval of a preliminary plat by the Governing Body shall be valid for one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the Governing Body.

5.09 Authorization to Install Improvements:

The approval of a preliminary plat shall constitute authorization by the Governing Body for the installation of improvements as required by this ordinance, and as shown on the preliminary plat; provided no such improvement shall be constructed or installed until and unless the plans, profile, cross sections for the constructions of such improvement have be submitted to, and approved in writing by, the County Engineer.

5.10 Completion and Acceptance of Improvements:

Before the Governing Body will approve the final plat, any improvements to become the Property of the County shall be constructed and accepted by formal resolution of the Governing Body. Before passage of said resolution of acceptance, the County Engineer shall report that said improvements meet all County specifications and ordinances or other County requirements, and the agreements between the subdivider and the County.

5.11 Performance Bond Permitted:

In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the County, guaranteeing that improvements not completed, shall be completed within a period of one (1) year from the date of approval of such final plat.

5.12 Requirement of the Final Plat:

The subdivider shall, within one (1) year of date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Plat Officer, twenty (20) copies of the final plat and required attachments, as set forth in this ordinance. Except for a final plat for a minor subdivisions set forth herein, no final plat shall be considered by the Governing Body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1"=100') or larger. Sheet size shall be no greater than eighteen by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8 ½" x 11") and shall be of size acceptable to the County Auditor. If more than one sheet is used, each sheet shall show the number of the sheet and the total number of sheets included in the plat, and match lines indicating where other streets adjoin.

The final plat shall be clearly marked "Final Plat" and shall show the following:

- a. The name of the Subdivision.
- b. Name and address of the owner and subdivider.
- c. Scale, and a graphic bar scale, north arrow and date on each sheet.
- d. All monuments to be of record, as required by Chapter 355, Code of Iowa.
- e. Sufficient survey data to positively describe the bounds of every lot, block, street easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
- f. All distance, bearing curve, and other survey data as set forth in Chapter 355, Code of Iowa.
- g. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
- h. Street names and clear designation of public alleys.
- i. Block and lot numbers.
- j. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- k. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer, and easements for trails, bikeways, ingress and egress, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- l. All interior expected parcels, clearly indicated and labeled, "not a part of this plat".
- m. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use as determined by the Governing Body.
- n. Legal description.
- o. The minimum unadjusted accepted error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- p. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

5.13 Attachments to the Final Plat:

The following shall be attached to and accompany any final plat:

- a. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
- b. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision is free from encumbrance other than those secured by an encumbrance bond.
- c. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes.
- d. A certificate from the Clerk of the District Court that the subdivision land is free from all judgments, attachments, or mechanics or other liens of record in his or her office.
- e. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.
- f. The encumbrance bond, if any.
- g. A statement of restrictions of all types that run with the land and become covenants in the deed of lots:
- h. A certificate by the County Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements to become property of the County, shall have been provided to the County Engineer. In lieu thereof, the County Auditor may certify that a bond has been guaranteeing completion, has been approved by the County Auditor and filed with the Auditor.
- i. Where any improvements are to become the Property of the County, a resolution accepting and approving such improvements, along with the maintenance bond required by this ordinance.
- j. A resolution and certificate for approval by the Governing Body, and the signature of the Chairman.
- k. The applicable fee, if any.

5.14 Procedures for the Review of Final Plats:

- a. The Plat Officer shall provide copies of the plat to the County Engineer and such other persons as necessary to review the plat; and shall schedule that plat for review by the Governing Body. The Plats Officer shall maintain one copy for public inspections.
- b. The Plat Officer and the County Engineer shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat, and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.
- c. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Governing Body for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning and Zoning Commission for review by the Governing Body. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Governing Body within forty-five (45) days of the filing of the plat with the Plat Officer. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing, and a copy of the recommendations shall be provided to the subdivider.
- d. Upon receipt of the plat and written reports thereon, the Governing Body shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the Preliminary Plat, and is found to substantially conform to the preliminary plat, the Governing Body shall approve the plat, and shall cause its approval to be entered on the plat.
- e. Action on the final plat by the Governing Body shall be taken within Sixty (60) days of the date of filing of the plat with the Plat Officer. However, if any portion of the land to be subdivided lies within two (2) miles of any municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa; the Governing Body shall defer final action on the plat until action has been taken by the Municipality. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Governing Body and such decisions shall be provided to the subdivider.

ARTICLE VI: OTHER PROVISIONS

6.01 Variances:

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Governing Body may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of the this ordinance. In no case shall variance or modification be more than minimal easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Governing Body may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so carried, modified, or waived.

6.02 Severability Clause:

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

6.03 Changes and Amendments:

This ordinance or any provision of this ordinance may be changed or amended from time to time by the Governing Body, provided however that such changes or amendments shall not become effective until after a public hearing has been held following due public notice.

6.04 Ordinance Not to Limit Other Ordinances:

Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provisions of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

6.05 When Effective:

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

Passed and approved this 6th day of April, 1998.

SIGNED: Terry Robins
Chairman, Board of Supervisors

ATTEST: Anita Chandler
Clarke County Auditor