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**CHAPTER 9.01
GENERAL PROVISIONS**

9.01.010 TITLE: This Ordinance shall be known and may be cited and referred to as the "Pottawattamie County, Iowa, Subdivision Ordinance". (*Ordinance #96-3/February 9, 1996*)

9.01.020 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 Pottawattamie 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. (*Ordinance #96-3/February 9, 1996*)

More specifically, the Ordinance is adopted in order to achieve the following objectives, among others: (*Ordinance #96-3/February 9, 1996*)

- .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. (*Ordinance #96-3/February 9, 1996*)
- .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*. (*Ordinance #96-3/February 9, 1996*)
- .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*. (*Ordinance #96-3/February 9, 1996*)
- .04 To insure the installation of adequately sized utilities and adequately improved *streets*. (*Ordinance #96-3/February 9, 1996*)
- .05 To promote a safe, effective traffic circulation system. (*Ordinance #96-3/February 9, 1996*)
- .06 To secure economy in government expenditures. (*Ordinance #96-3/February 9, 1996*)
- .07 To insure that public facilities, where available, will have a sufficient capacity to serve the *subdivision*. (*Ordinance #96-3/February 9, 1996*)
- .08 To encourage the most appropriate use of land in the *County*. (*Ordinance #96-3/February 9, 1996*)
- .09 To improve land records by establishing standards for surveys and *plats*. (*Ordinance #96-3/February 9, 1996*)

9.01.030 JURISDICTION: The provisions of this Ordinance shall apply to all of the unincorporated territory of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)

9.01.040 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. (*Ordinance #96-3/February 9, 1996*)

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* are satisfied that equally suitable regulations have been placed on these *subdivisions* by the City Council of that city. (Ordinance #96-3/February 9, 1996)

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. (Ordinance #96-3/February 9, 1996)

9.01.050 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*: (Ordinance #96-3/February 9, 1996)

- .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. (Ordinance #96-3/February 9, 1996)
- .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. (Ordinance #96-3/February 9, 1996)
- .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. (Ordinance #96-3/February 9, 1996)
- .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*. (Ordinance #96-3/February 9, 1996)

9.01.060 CLASSIFICATION OF SUBDIVISIONS: Except as provided in Section 9.010.070, whenever any *division* of a *tract* or *parcel* into two (2) or more *parcels* is proposed, before any contract is made for the sale of any part thereof, and before any building 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. (Ordinance #96-3/February 9, 1996)

- .01 The procedure for approval of a *major subdivision*, as defined in Section 9.02.680.01, shall consist of a: (Ordinance #96-3/February 9, 1996)
 - A. *Sketch plat*, as described in Chapter 9.03. (Ordinance #96-3/February 9, 1996)
 - B. *Preliminary plat*, as described in Chapter 9.04. (Ordinance #96-3/February 9, 1996)
 - C. *Final construction plans*, as described in Chapter 9.05. (Ordinance #96-3/February 9, 1996)
 - D. *Final plat*, as described in Chapter 9.10. (Ordinance 63/February 9, 1996)
- .02 The procedure for approval of a *minor subdivision*, as defined in Section 9.02.680.02, shall consist of a: (Ordinance #96-3/February 9, 1996)
 - A. *Sketch plat*, as described in Chapter 9.03. (Ordinance #96-3/February 9, 1996)
 - B. *Preliminary plat*, as described in Chapter 9.04. (Ordinance #96-3/February 9, 1996)
 - C. *Final plat*, as described in Chapter 9.10. (Ordinance #96-3/February 9, 1996)
- .03 The procedure for approval of a property split, as defined in Section 9.02.680.03, shall consist of a:
 - A. *Sketch plat*, as described in Chapter 9.03. (Ordinance #96-3/February 9, 1996)
- .04 The procedure for approval of a *property line adjustment*, as defined in Section 9.02.680.04, shall consist of a:
 - A. *Sketch plat*, as described in Chapter 9.03. (Ordinance #96-3/February 9, 1996)

9.01.065 EXCEPTIONS: A *minor subdivision* plat may be prepared for an existing parcel being divided if it meets these allowed exceptions: (Ordinance #2018-03/05-10-18)

- .01 A *minor subdivision* plat may be prepared for an existing parcel being divided into two lots where the tract of record has previously been divided into more than four (4) parcels if all of the following are met:
 - A. Zoning requirements for minimum size and access can be met.
 - B. Adjoins buildable platted property (not outlots) on rear and sides or property has double frontage.
 - C. Existing parcel is more than four times the minimum parcel size in respective zoning district.
 - D. Does not cause conflict with future access or development to subject parcel and/or adjacent parcels.
- .02 A *minor subdivision* plat may also be prepared for an existing parcel being divided where one of the following conditions is present toward the number of parcels within a tract of record where an existing parcel crosses section, quarter section, or quarter - quarter section line or an original line of a Government Lot.
 - A. The tract of record that contains the majority of the area of an individual parcel that crosses the above referenced line(s) is the tract of record that the division counts toward and the other portion does not count as a parcel in the adjacent tract of record.
 - B. If the existing parcel crosses any of the above referenced line(s), a parcel can be split on said line if all new parcels created can meet the requirements of the Zoning Ordinance including size and access, the subdivision may be conducted as a minor subdivision because no new parcels are being created within the tract of record.
 - C. A lot labeled as an outlot does not count toward parcels for subdivision purposes within the ¼-¼.)
- .03 A *minor subdivision* plat may also be prepared for an existing parcel that lies within a *Quarter - Quarter section* that is divided by a *public road*. There shall be a maximum of four (4) parcels on both sides of said road.

9.01.070 EXEMPTIONS: Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions: (Ordinance #96-3/February 9, 1996)

- .01 The *division* of land into burial lots in a cemetery. (Ordinance #96-3/February 9, 1996)
- .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*. (Ordinance #96-3/February 9, 1996)
- .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*. (Ordinance #96-3/February 9, 1996)
- .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. (Ordinance #96-3/February 9, 1996)
- .05 A *conveyance* of land in *forty-acre aliquot parts*. (Ordinance #96-3/February 9, 1996)

9.01.075 PRE-EXISTING DWELLING SUBDIVISION: A *subdivision* platted for the sole purpose of dividing the property among the *owners* of dwellings which were constructed prior to October 1, 1981 shall be exempt from the provisions of Section 9.15.090, provided that all *lots* platted have positioned upon them dwellings which were so constructed prior to October 1, 1981 and further provided that no new vacant building *lots* are being created. (Ordinance #96-3/February 9, 1996)

9.01.080 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. (Ordinance #96-3/February 9, 1996)

- .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: (*Ordinance #96-3/February 9, 1996*)
 - A. The granting of the variance will not adversely effect the public health, safety, morals, order, convenience, prosperity or general welfare or the rights of adjacent property owners. (*Ordinance #96-3/February 9, 1996*)
 - 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. (*Ordinance #96-3/February 9, 1996*)
 - 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. (*Ordinance #96-3/February 9, 1996*)
 - 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. (*Ordinance #96-3/February 9, 1996*)
 - 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*. (*Ordinance #96-3/February 9, 1996*)
- .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. (*Ordinance #96-3/February 9, 1996*)
- .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 in Chapter 1.50. 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. (*Ordinance #96-3/February 9, 1996*)

9.01.090 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: (*Ordinance #96-3/February 9, 1996*)

- .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 within five (5) years from the date of *final plat* approval by the *County Board*. (*Ordinance #96-3/February 9, 1996*)
- .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. (*Ordinance #96-3/February 9, 1996*)
- .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*. (*Ordinance #96-3/February 9, 1996*)
- .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 reconvey such interest, by deed, to the applicant, property owner or his or her successor in interest. (*Ordinance #96-3/February 9, 1996*)

9.01.100 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. (*Ordinance #96-3/February 9, 1996*)

**CHAPTER 9.02
DEFINITIONS**

- 9.02.010 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. (Ordinance #96-3/February 9, 1996)
- .01 TENSE: Words used in the present tense include the future tense. (Ordinance #96-3/February 9, 1996)
 - .02 NUMBER: Words used in the singular include the plural, and words in the plural include the singular. (Ordinance #96-3/February 9, 1996)
 - .03 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissible. (Ordinance #96-3/February 9, 1996)
 - .04 GENDER: The masculine shall include the feminine and the neuter. (Ordinance #96-3/February 9, 1996)
 - .05 PERSON: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. (Ordinance #96-3/February 9, 1996)
 - .06 USED OR OCCUPIED: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied. (Ordinance #96-3/February 9, 1996)
 - .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. (Ordinance #96-3/February 9, 1996)
- 9.02.020 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. (Ordinance #96-3/February 9, 1996)
- 9.02.030 ALLEY:** A dedicated public *right-of-way*, other than a *street*, which provides only a secondary means of access to *abutting* property. (Ordinance #96-3/February 9, 1996)
- 9.02.040 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. (Ordinance #96-3/February 9, 1996)
- 9.02.050 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. (Ordinance #96-3/February 9, 1996)
- 9.02.060 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. (Ordinance #96-3/February 9, 1996)
- 9.02.070 BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards. (Ordinance #96-3/February 9, 1996)
- 9.02.080 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. (Ordinance #96-3/February 9, 1996)
- 9.02.090 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*. (Ordinance #96-3/February 9, 1996)
- 9.02.100 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. (Ordinance #96-3/February 9, 1996)
- 9.02.110 COMMISSION:** The Planning and Zoning Commission of Pottawattamie County, Iowa. (Ordinance #96-3/February 9, 1996)
- 9.02.120 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. (Ordinance #96-3/February 9, 1996)

- 9.02.130 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.140 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.150 COMPREHENSIVE PLAN:** A general plan for the improvement and development of Pottawattamie County, Iowa, as adopted by the *Commission* and *County Board*. This document may also be referred to as the *Land Use Plan*. (*Ordinance #96-3/February 9, 1996*)
- 9.02.160 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.170 COUNTY:** Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.180 COUNTY ASSESSOR:** The Assessor of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.190 COUNTY AUDITOR:** The County Auditor of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.200 COUNTY BOARD:** The Board of Supervisors of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.210 COUNTY ENGINEER:** The County Engineer of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.220 COUNTY INFRACTION:** A civil offense punishable by a civil penalty and issued by means of a citation. (*Ordinance #96-3/February 9, 1996*)
- 9.02.230 COUNTY RECORDER:** The County Recorder of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.240 COUNTY TREASURER:** The County Treasurer of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.250 COUNTY ZONING ORDINANCE:** The Pottawattamie County, Iowa, Zoning Ordinance. (*Ordinance #96-3/February 9, 1996*)
- 9.02.260 DESIGN STANDARDS AND SPECIFICATIONS:** All requirements and regulations relating to the design and layout of subdivision as set forth in this Ordinance. (*Ordinance #96-3/February 9, 1996*)
- 9.02.270 DEVELOPER:** The *owner* or his authorized agent of the land to be subdivided. Consent shall be required from the legal *owner* of the premises. (*Ordinance #96-3/February 9, 1996*)
- 9.02.280 DEVELOPMENT DIRECTOR:** The Director of Planning and Development of Pottawattamie County, Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.290 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.300 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.310 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*. (*Ordinance #96-3/February 9, 1996*)
- 9.02.320 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.330 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.340 FORTY ACRE ALIQUOT PART:** One-quarter of one-quarter of a section. (*Ordinance #96-3/February 9, 1996*)

- 9.02.350 FRONTAGE:** That portion of a *tract* or *parcel* abutting upon a *street*. (Ordinance #96-3/February 9, 1996)
- 9.02.360 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. (Ordinance #96-3/February 9, 1996)
- 9.02.370 GRADE:** The slope of a *street* or other surfaces, specified in percentage terms. (Ordinance #96-3/February 9, 1996)
- 9.02.380 LOT:** For the purpose of this Ordinance, a lot is a tract of land represented and identified by number designation on an official plat. In no case shall a *parcel* of land conveyed under a lease be construed as a *lot*, unless said *lot* has been platted as a *lot* in an approved *subdivision*. The conveyance of an agricultural farm land crop lease shall not be construed as creating a *parcel*. (Ordinance #96-3/February 9, 1996)
- 9.02.390 LOT FRONTAGE:** That portion of a *tract* or *parcel* of land which abuts a *street*. Each side of a *lot* so abutting a *public 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*. (Ordinance #96-3/February 9, 1996)
- 9.02.400 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. (Ordinance #96-3/February 9, 1996)
- 9.02.410 LOT LINES:** The property lines bounding a *tract* or *parcel*.
(Ordinance #96-3/February 9, 1996)
- .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, that part of the *tract* or *parcel* having the narrowest *frontage* on any *street* shall be considered the *front lot line*. (Ordinance #96-3/February 9, 1996)
 - .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*. (Ordinance #96-3/February 9, 1996)
 - .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*. (Ordinance #96-3/February 9, 1996)
- 9.02.420 LOT MEASUREMENTS:** For the purposes of this Ordinance the following *lot measurements* shall apply: (Ordinance #96-3/February 9, 1996)
- .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*. (Ordinance #96-3/February 9, 1996)
 - .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*. (Ordinance #96-3/February 9, 1996)
 - .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. (Ordinance #96-3/February 9, 1996)
- 9.02.430 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. (Ordinance #96-3/February 9, 1996)
- 9.02.440 LOT TYPES:** For the purpose of this Ordinance the following types of *lots* are defined: (Ordinance #96-3/February 9, 1996)

- .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. (Ordinance #96-3/February 9, 1996)
- .02 **DOUBLE FRONTAGE LOT:** A *lot*, other than a *corner lot*, having *frontage* on two (2) or more non-intersecting *streets*. (Ordinance #96-3/February 9, 1996)
- .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. (Ordinance #96-3/February 9, 1996)
- .04 **INTERIOR LOT:** A *lot*, other than a *corner lot*, having *frontage* on only one (1) *street*. (Ordinance #96-3/February 9, 1996)
- 9.02.450 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. (Ordinance #96-3/February 9, 1996)
- 9.02.460 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. (Ordinance #96-3/February 9, 1996)
- 9.02.470 OFFICIAL PLAT:** A *subdivision plat* that meets the requirements of this Ordinance and has been approved under the terms of this Ordinance. For the purpose of this Ordinance, a *subdivision plat* approved under the terms of the Subdivision Regulations, effective July 1, 1969, entitled "Plats, Subdivision, Resubdivision or Dedications in Unincorporated Areas" shall be considered an official plat. (Ordinance #96-3/February 9, 1996)
- 9.02.475 OUTLOT:** A parcel of land not to be used for building purposes, so designated on subdivision plat or a plat of survey. (Ordinance #2015-03/November 6, 2015)
- 9.02.480 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. (Ordinance #96-3/February 9, 1996)
- 9.02.490 PARCEL:** A part of a *tract* of land. (Ordinance #96-3/February 9, 1996)
- 9.02.500 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. (Ordinance #96-3/February 9, 1996)
- 9.02.510 PERFORMANCE GUARANTEE:** A contract between the *County* and a *developer* which assures that he *developer* will bear the cost of all required infrastructure improvements and maintenance to said improvements. (Ordinance #96-3/February 9, 1996)
- 9.02.520 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. (Ordinance #96-3/February 9, 1996)
- 9.02.530 PLAT:** A *subdivision* as it is represented by a formal document of maps or drawings, and writing. (Ordinance #96-3/February 9, 1996)
- 9.02.540 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 *registered land surveyor*, in accordance with Chapter 354, Code of Iowa, as amended. (Ordinance #96-3/February 9, 1996)
- 9.02.550 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. (*Ordinance #96-3/February 9, 1996*)

- 9.02.555 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.560 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.570 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.580 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.590 REGISTERED ENGINEER:** A registered engineer authorized and licensed by the State of Iowa. (*Ordinance #96-3/February 9, 1996*)
- 9.02.600 REGISTERED LAND SURVEYOR:** An Iowa *registered land surveyor* who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa, as amended. (*Ordinance #96-3/February 9, 1996*)
- 9.02.610 REPEAT OFFENSE:** A recurring violation of the same section of the Pottawattamie County, Iowa, Subdivision Ordinance. (*Ordinance #96-3/February 9, 1996*)
- 9.02.620 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. (*Ordinance #96-3/February 9, 1996*)
- 9.02.630 RIGHT-OF-WAY:** The land area, the right to possession of which is secured or reserved for public purposes. (*Ordinance #96-3/February 9, 1996*)
- 9.02.640 SKETCH PLAT:** A freehand sketch drawing which depicts the proposed *division* of a *tract* of land, which meets the requirements of this Ordinance. (*Ordinance #96-3/February 9, 1996*)
- 9.02.660 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. (*Ordinance #96-3/February 9, 1996*)
- .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. (*Ordinance #96-3/February 9, 1996*)
- .02 COLLECTOR STREET: Any *street* designed primarily to gather traffic from *local streets* and carry it to the arterial system. (*Ordinance #96-3/February 9, 1996*)
- .03 COUNTY ROAD: Any *street*, other than a *highway*, which is not located within a platted *subdivision* approved by the *County*. (*Ordinance #96-3/February 9, 1996*)
- .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. (*Ordinance #96-3/February 9, 1996*)
- .05 DEAD-END STREET: A *local street* having only one (1) outlet connecting to another *street*. (*Ordinance #96-3/February 9, 1996*)
- .06 HIGHWAY: An officially designated federal or state numbered highway, or other major *street* or road designated by the *County* as a thoroughfare. (*Ordinance #96-3/February 9, 1996*)

- .07 LOCAL STREET: A *street* designed primarily to provide access to *abutting* properties and to discourage through traffic. (Ordinance #96-3/February 9, 1996)
- .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*. (Ordinance #96-3/February 9, 1996)
- .09 PRIVATE STREET: All land between *right-of-way* lines dedicated to the public, but not accepted in a governmental road system. (Ordinance #96-3/February 9, 1996)
- .10 PUBLIC STREET: All land between *right-of-way* lines dedicated to and accepted by a governmental agency. (Ordinance #96-3/February 9, 1996)
- .11 PUBLIC STREET, HARDSURFACED: A *street* which has 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 or a street that the surfacing has been prepared and treated with a bituminous coating and designated by the County Board in a Resolution as an Official Bituminous Road.

9.02.670 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*. (Ordinance #96-3/February 9, 1996)

9.02.680 SUBDIVISION: The *division* of a quarter-quarter section of land into two (2) 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. (Ordinance #2004-14/07-01-04)

- .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*. (Ordinance #2004-14/07-01-04)
- .02 MINOR SUBDIVISION: A *subdivision* of land which meets the following criteria: (Ordinance #2004-14/07-01-04)
 - A. All new *lots* shall front on and have direct access from an existing *public street* (Ordinance #2004-14/07-01-04).
 - B. No new *public* or *private street* shall be created or sought to be dedicated or contemplated to project through the proposed *subdivision*. (Ordinance #2004-14/07-01-04)
 - C. No more than four (4) *lots* shall be created. The creation of more than four (4) *lots* and/or *parcels* in a quarter-quarter section shall require the platting of a major subdivision. (Ordinance #2005-05-09/09/05)
 - D. No new *lot* shall conflict with any provisions or portion of the *County Zoning Ordinance* or this Ordinance. (Ordinance #2004-14/07-01-04)
- .03 PROPERTY SPLIT: A *subdivision* of a *tract* which meets the following criteria: (Ordinance #2004-14/07-01-04)
 - A. No more than three (3) *parcels* are created per quarter-quarter section. (Ordinance #2004-14/07-01-04)
 - B. No new *parcel* shall conflict with any provision or portion of the *County Zoning Ordinance* or this Ordinance. (Ordinance #2004-14/07-01-04)
- .04 PROPERTY LINE ADJUSTMENT: A *subdivision* of one (1) or more *lots* or *parcels* which meets the following criteria: (Ordinance #2004-14/07-01-04)
 - A. No additional *lots* or *parcels* shall be created. (Ordinance #2004-14/07-01-04)
 - 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. (Ordinance #2004-14/07-01-04)
 - C. No new *lot* or *parcel* shall conflict with any provision or portion of the *County Zoning Ordinance* or this Ordinance. (Ordinance #2004-14/07-01-04)

9.02.690 SUBDIVISION PLAT: The graphical representation of the *subdivision* of land, prepared by a *registered 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. (*Ordinance #96-3/February 9, 1996*)

9.02.700 TRACT: An *aliquot part* of a section, a *lot* within an *official plat*, or a *government lot*. (*Ordinance #96-3/February 9, 1996*)

9.02.710 VACATION: To make void or annul. (*Ordinance #96-3/February 9, 1996*)

**CHAPTER 9.03
SKETCH PLATS**

9.03.010 DISCUSSION OF REQUIREMENTS: Before preparing a *sketch plat*, the *developer* should discuss with the *Development Director* the requirements and procedure for approval of a *property line adjustment*, *property split*, or *minor or major subdivision*. The *Development Director* 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. (Ordinance #96-3/February 9, 1996)

9.03.020 APPLICATION FOR SKETCH PLAT APPROVAL: An application for *sketch plat* approval shall be filed, upon the form provided, with the *Development Director*. The application shall be accompanied by a fee, as specified in Chapter 1.50, and by such information and documentation as shall be prescribed by the *Development Director*. (Ordinance #96-3/February 9, 1996)

The application shall contain the following information and documentation: (Ordinance #96-3/February 9, 1996)

- .01 The names, addresses and telephone numbers of the *owner* of the land and the *developer*, if other than the *owner*. (Ordinance #96-3/February 9, 1996)
- .02 The proposed name of the *subdivision* or the name of the property owner, if no *subdivision* name has been chosen. (Ordinance #96-3/February 9, 1996)
- .03 The street address or general location and legal description of the subject property. (Ordinance #96-3/February 9, 1996)
- .04 The present and proposed uses and zoning district classification of the subject property. (Ordinance #96-3/February 9, 1996)
- .05 A copy of any existing *protective covenants* or deed restrictions on the subject property. (Ordinance #96-3/February 9, 1996)
- .06 A statement of any existing *easements* affecting the subject property. (Ordinance #96-3/February 9, 1996)
- .07 A statement of preliminary proposals for providing water supply, sanitary sewage treatment, utilities, storm water drainage and other improvements. (Ordinance #96-3/February 9, 1996)
- .08 Two (2) copies of the *sketch plat* as described in Section 9.03.030 below. (Ordinance #96-3/February 9, 1996)
- .09 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application. (Ordinance #96-3/February 9, 1996)
- .10 A certificate from the County Treasurer that the land for which a *property line adjustment* or a *property split* is being considered is free from certified taxes and certified special assessments. (Ordinance #2004-14/07-01-04)

9.03.030 CONTENTS OF THE SKETCH PLAT: The *sketch plat* may be drawn as a freehand sketch at a legible scale. It is recommended that a *sketch plat* for a *subdivision* be depicted on a blackline/blue-line print copy of the appropriate page of the *County Auditor's Official Plat Book*, which is on record in the office of the *County Auditor*. The *sketch plat* shall show the following: (Ordinance #96-3/February 9, 1996)

- .01 The date of the document, approximate true north arrow and the scale of the document. (Ordinance #96-3/February 9, 1996)
- .02 General location of the property by section, township and range. (Ordinance #96-3/February 9, 1996)
- .03 The location of property lines, existing *right-of-ways* and *easements*; and the location, width, and names of all existing or platted *streets* or *easements of access* within or immediately adjacent to the subject property. (Ordinance #96-3/February 9, 1996)
- .04 In the case of a *major subdivision plat*, the approximate location and width of proposed *public* or *private streets*. (Ordinance #96-3/February 9, 1996)
- .05 The approximate location, dimension and area of all existing and proposed *lots* or *parcels*. (Ordinance #96-3/February 9, 1996)

.06 The approximate location, dimension and area of all property proposed to be set aside for park or playground use, or other public or private recreation. (*Ordinance #96-3/February 9, 1996*)

9.03.040 REVIEW OF SKETCH PLAT: The *Development Director* shall review the application and determine the appropriate *subdivision* classification for the *sketch plat*. The *Development Director* shall confer with the *developer* and the *County Engineer* to develop a mutually acceptable *sketch plat* for a *major subdivision*. (*Ordinance #96-3/February 9, 1996*)

9.03.050 SKETCH PLAT APPROVAL OF A PROPERTY LINE ADJUSTMENT: Following such review of the sketch plat for a property line adjustment, the Development Director shall either approve the sketch plat with or without specified conditions, to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The Development Director shall notify, in writing, the developer of his decision.

.01 Approval of the sketch plat shall signify the general acceptability of the proposed property line adjustment with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance and shall be deemed to be authorization to proceed with preparation of necessary instruments for conveyance of a portion of one (1) lot or parcel to the owner of an adjoining lot or parcel. Plat of survey(s) shall be prepared as follows:

- A. Division parcel, both parcels; and
- B. New metes and bounds survey of the division parcel(s) and the adjoining parcel that it is being connected to.

One (1) copy of the plat of survey shall be prepared by an Iowa registered land surveyor and filed with the Development Director before final approval may be given on the sketch plat application. A copy of said decision shall be recorded simultaneously with any and all instruments filed with the County Recorder for each property being divided or created.

Such instruments shall contain a deed restriction directing the County Auditor to combine the portion of land described in the instrument with the adjoining tract or parcel to create a single parcel. A copy of such instrument shall be submitted for review by the Development Director prior to being recorded to insure that said deed restriction is included.

.02 Disapproval of the sketch plat shall signify the general unacceptability of the proposed property line adjustment with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance; however, the developer may appeal the decision of the Development Director to the Commission for final determination.

9.03.060 SKETCH PLAT APPROVAL OF A PROPERTY SPLIT: Following such review of the sketch plat for a property tract split, the Development Director shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The Development Director shall notify, in writing, the developer of his decision: (*Ordinance #98-2/4-3-98*)

.01 Approval of the sketch plat shall signify the general acceptability of the proposed property split with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance. A plat of survey shall be prepared for as follows: (*Ordinance #98-2/4-3-98*)

- A. In the event a forty-acre aliquot part is proposed to be divided into two (2) parcels, it shall be required that only the parcel being conveyed have a plat of survey prepared of it. However, as allowed by Code of Iowa, Section 354.4, at the discretion of the County Auditor, an order may be given to require both parcels to have a plat of survey prepared of them. In the event only the parcel being conveyed has a plat of survey prepared, the decision on the sketch plat application shall be conditional upon no further divisions taking place in that forty-acre aliquot part until such time as all parcels in said forty-acre aliquot part have had a plat of survey prepared of them. (*Ordinance #98-2/4-3-98*)
- B. Proposed to be divided into three (3) parcels simultaneously, it shall be required that all three (3) parcels in that forty-acre aliquot part have a plat of survey prepared of them. (*Ordinance #98-2/4-3-98*)
- C. In the event a forty-acre aliquot part was divided into two (2) parcels prior to July 29, 1996 and it is proposed that one (1) of the two (2) parcels be divided into two (2) parcels, resulting in no more than three (3) parcels within the boundaries of the forty-acre aliquot part, only the two (2) new parcels shall be required to have a plat of survey prepared of them. (*Ordinance #98-2/4-3-98*)
- D. In the event a forty-acre aliquot part was divided into two (2) parcels after July 29, 1996 and it is proposed that one of the two parcels be divided into two (2) parcels, neither parcel shall be able to be divided unless a plat of survey has been prepared of all parcels located in said forty-acre aliquot part. (*Ordinance #98-2/4-3-98*)

One (1) copy of the plat of survey shall be prepared by an Iowa registered land surveyor and filed with the Development Director before final approval may be given on the sketch plat application. A copy of said decision

shall be recorded simultaneously with any and all instruments filed with the County Recorder for each property being divided or created. (*Ordinance #98-2/4-3-98*)

- .02 Disapproval of the sketch plat shall signify the general unacceptability of the proposed property split with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance; however, the developer may appeal the decision of the Development Director to the Commission for final determination. (*Ordinance #96-3/February 9, 1996*)

9.03.065 EFFECTIVE PERIOD OF SKETCH PLAT FOR A PROPERTY SPLIT OR PROPERTY LINE ADJUSTMENT: Within thirty (30) days from the day the *Development Director* approves a sketch plat application for a property split or a property line adjustment, the *developer* shall cause the approved deed(s) and approved sketch plat application to have been recorded in the Office of the County Recorder. If the *developer* fails to record said instruments within the appropriate time period, the sketch plat application shall be void.

9.03.070 SKETCH PLAT APPROVAL OF A MINOR OR MAJOR SUBDIVISION: Following such review of a *sketch plat* for a *minor* or *major subdivision*, the *Development Director* shall either approve the *sketch plat* with or without specified conditions to be accepted by the *developer* as a condition of such approval or disapprove the *sketch plat*. The *Development Director* shall notify, in writing, the *developer* of his decision. : (*Ordinance #96-3/2-9-96*)

- .01 Approval of the *sketch plat* shall signify the general acceptability of the proposed *minor* or *major subdivision* with respect to compliance with the requirements of the *County Zoning Ordinance* and this Ordinance and shall be deemed to be authorization to proceed with the preparation of a *preliminary plat* as described in Chapter 9.04. (*Ordinance #96-3/2-9-96*)
- .02 Disapproval of the *sketch plat* shall signify the general unacceptability of the proposed *minor* or *major subdivision* with respect to compliance with the requirements of the *County Zoning Ordinance* and this Ordinance; however, the *developer* may appeal the decision of the *Development Director* to the *Commission* for final determination. (*Ordinance #96-3/2-9-96*)

CHAPTER 9.04 PRELIMINARY PLAT

9.04.010 APPLICATION FOR PRELIMINARY PLAT APPROVAL: An application for *preliminary plat* approval shall be filed, upon the form provided, with the *Development Director* for submission to the *Commission*. The application shall be accompanied by a fee, as specified in Chapter 1.50. The application shall contain the following information and documentation: (*Ordinance #96-3/2-9-96*)

- .01 The names, addresses and telephone numbers of the *owner* of the land and the *developer*, if other than the *owner*. (*Ordinance #96-3/2-9-96*)
- .02 The names, addresses and telephone numbers of all professional consultants advising the *developer* with respect to the proposed *subdivision*. (*Ordinance #96-3/2-9-96*)
- .03 The proposed name of the *subdivision*. (*Ordinance #96-3/2-9-96*)
- .04 The street address or general location and legal description of the subject property. (*Ordinance #96-3/2-9-96*)
- .05 The present and proposed zoning district classification of the subject property. (*Ordinance #96-3/2-9-96*)
- .06 The existing and proposed uses of the subject property. (*Ordinance #96-3/2-9-96*)
- .07 A statement of any *protective covenants* or deed restrictions, in outline form, which are proposed to be recorded with the *final plat*. (*Ordinance #96-3/2-9-96*)
- .08 A statement of proposed method of water supply, of sanitary sewage treatment and of disposal of storm waters from the subject property. (*Ordinance #96-3/2-9-96*)

- A. In the event private water wells are to be the proposed method of water supply, as provided in Section 9.15.140, the *developer* shall submit evidence of the availability of water on the site. (*Ordinance #96-3/2-9-96*)
 - B. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Section 9.15.150, the *developer* shall submit evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site. (*Ordinance #96-3/2-9-96*)
- .09 A statement of the manner in which it is proposed to finance improvements. (*Ordinance #96-3/2-9-96*)
 - .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, e.g., actual construction, monetary guarantee, etc. The approximate time that such improvements will be completed shall be indicated. (*Ordinance #96-3/2-9-96*)
 - .11 Two (2) blackline/blueline print copies of the preliminary plat as described in Section 9.04.020, below, along with one (1) reduced (11" x 17") copy of the preliminary plat. (*Ordinance #2005-05-09/09/05*)
 - .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. (*Ordinance #2005-05-09/09/05*)
 - .13 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application. (*Ordinance #96-3/2-9-96*)

9.04.020 CONTENTS OF THE PRELIMINARY PLAT: The *preliminary plat* shall be prepared by a *registered engineer* or *registered 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: (*Ordinance #96-3/2-9-96*)

- .01 The name of the proposed *subdivision* and an identification clearly stating that the document is a *preliminary plat*. (*Ordinance #96-3/2-9-96*)
- .02 The date of the document, approximate true north point and the scale of the document. (*Ordinance #96-3/2-9-96*)
- .03 The names and addresses of the *owner* of the land, the *developer*, if other than the *owner*, and the *registered engineer* and/or *registered land surveyor* who prepared the *preliminary plat*. (*Ordinance #96-3/2-9-96*)
- .04 A description of the subject property, 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. (*Ordinance #96-3/2-9-96*)
- .05 The following existing conditions shall be shown on the *preliminary plat*: (*Ordinance #96-3/2-9-96*)
 - 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. (*Ordinance #96-3/2-9-96*)
 - 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. (*Ordinance #96-3/2-9-96*)
 - 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. (*Ordinance #96-3/2-9-96*)

- 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*. (*Ordinance #96-3/2-9-96*)
- 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 Pottawattamie County, Iowa, Flood Plain Study prepared by the Federal Emergency Management Agency. (*Ordinance #96-3/2-9-96*)
- 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: (*Ordinance #96-3/2-9-96*)

Major Subdivision

- 1. Five (5) foot contour intervals for ground slopes of ten (10) percent or more; (*Ordinance #96-3/2-9-96*)
- 2. Two (2) foot contour intervals for ground slopes of less than ten (10) percent; and (*Ordinance #96-3/2-9-96*)
- 3. Spot elevations where the ground is too flat for contours. (*Ordinance #96-3/2-9-96*)

Minor Subdivision

- 1. Ten (10) foot contour intervals. (*Ordinance #96-3/2-9-96*)
- 2. Spot elevations where the ground is too flat for contours. (*Ordinance #96-3/2-9-96*)

- H. The location, elevation and descriptions of the bench mark controlling the survey. (*Ordinance #96-3/2-9-96*)
- .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*: (*Ordinance #96-3/2-9-96*)
- A. The location, dimensions, identification number and *lot area* of all proposed *lots*. (*Ordinance #96-3/2-9-96*)
 - B. The location, right-of-way width, surfacing width and names of all proposed *public* or *private streets*. (*Ordinance #96-3/2-9-96*)
 - C. The location, width and purpose of all proposed *easements*, including well and septic corridors if applicable. (*Ordinance #2005-05/09-09-05*)
 - D. The location and type of all proposed utilities. (*Ordinance #96-3/2-9-96*)
 - 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. (*Ordinance #96-3/2-9-96*)
 - F. The location and width of all proposed *building setback lines*. (*Ordinance #96-3/2-9-96*)
 - G. Indication of the use of all proposed *lots*, if other than single-family dwellings. (*Ordinance #96-3/2-9-96*)
- .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*. (*Ordinance #96-3/2-9-96*)

9.04.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the *Development Director* 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.

(Ordinance #96-3/2-9-96)

9.04.040 DISTRIBUTION OF PRELIMINARY PLAT: The *Development Director* shall transmit copies of the *preliminary plat* to the *County Engineer*, the appropriate school district superintendent, appropriate fire department, the *County Sheriff* 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*. (Ordinance #96-3/2-9-96)

9.04.050 REVIEW OF PRELIMINARY PLAT: Comments and recommendation shall be filed with the *Development Director* as soon as practical, but normally within fifteen (15) working days. Copies of the *Development Director's* comments and recommendations as well as those of the responding individuals and agencies shall be submitted to the *Commission*. (Ordinance #96-3/2-9-96)

RESERVEDRESERVED

9.04.070 PUBLIC HEARING BY COMMISSION: Before taking final action on each application, the *Commission* shall hold a public hearing thereon. (Ordinance #96-3/2-9-96)

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: (Ordinance #96-3/2-9-96)

.01 A notice of the public hearing shall be given by one (1) publication in a newspaper having circulation in the general area of the *subdivision* and in a newspaper of general circulation in the *County*, not less than four (4) nor more than twenty (20) days prior to the date of the public hearing. (Ordinance #96-3/2-9-96)

.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. (Ordinance #96-3/2-9-96)

9.04.080 COMMISSION RECOMMENDATION: Following the conclusion of the public hearing, 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. (Ordinance #96-3/2-9-96)

9.04.090 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 specified in Section 9.04.070. (Ordinance #96-3/2-9-96)

9.04.100 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. (Ordinance #96-3/2-9-96)

9.04.110 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*. (Ordinance #96-3/2-9-96)

.01 Following *County Board* action, the *Development Director* shall notify, in writing, the *developer* of the *County Board's* decision. (Ordinance #96-3/2-9-96)

.02 If the *preliminary plat* is approved by the *County Board*, the *Development Director* shall return a signed blackline/blueline print copy of such plat to the *developer*. (Ordinance #96-3/2-9-96)

9.04.120 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*. (Ordinance #96-3/2-9-96)

9.04.130 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. (Ordinance #96-3/2-9-96)

9.04.140 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*. (Ordinance #96-3/2-9-96)

CHAPTER 9.05
FINAL CONSTRUCTION PLAN AND INSPECTION OF IMPROVEMENTS

9.05.010 REQUIRED IMPROVEMENTS: Upon *County Board* approval of a *preliminary plat* and prior to application for *final plat* approval, the *developer* shall: (Ordinance #96-3/2-9-96)

- .01 Construct and install the required improvements, or; (Ordinance #96-3/2-9-96)
- .02 Post a *performance guarantee* for the total cost of the improvements, or; (Ordinance #96-3/2-9-96)
- .03 Construct and install a portion of the improvements and post a *performance guarantee* for the remainder of the improvements not completed. (Ordinance #96-3/2-9-96)

9.05.020 SUBMISSION OF THE FINAL CONSTRUCTION PLANS: The *developer* shall have a *registered engineer* prepare the *final construction plans* for the proposed required improvements containing the data and information specified in Section 9.05.030, below. Four (4) blackline/blueline print copies of such plans shall be certified by a *registered engineer*, and shall be submitted to the *County Engineer* in the following manner. The plans shall be accompanied by a fee as specified in Chapter 1.50. (Ordinance #96-3/2-9-96)

- .01 In the event the *developer* chooses to construct and install the required improvements, as specified in Section 9.05.010.01, 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. (Ordinance #96-3/2-9-96)
- .02 In the event the *developer* chooses to post a *performance guarantee* for the total cost of the required improvements, as specified in Section 9.05.010.02, 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 registered 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*. (Ordinance #96-3/2-9-96)
- .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 9.05.010.03, 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 9.05.020.02. (Ordinance #96-3/2-9-96)
- .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 9.050.020.02. (Ordinance #96-3/2-9-96)

9.05.030 CONTENTS OF FINAL CONSTRUCTION PLANS: The *final construction plans* for required *lot* or *public improvements* shall contain the following data and information. (Ordinance #96-3/2-9-96)

- .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. (Ordinance #96-3/2-9-96)

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*. (Ordinance #96-3/2-9-96)

- .02 Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements. (*Ordinance #96-3/2-9-96*)
- .03 Plans, profiles, details, specifications and cost estimates proposed water distribution systems, water supply facilities and water hydrants, if any. (*Ordinance #96-3/2-9-96*)
 - A. Submittal of well test results, as provided in Section 9.15.140.04, when so required by the County Board at the time of preliminary plat approval. (*Ordinance #96-3/2-9-96*)
- .04 Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.
 - A. Submittal of soil loading rates on all lots, as provided in Section 9.15.150.03, when the existing grade of the lots have been altered.
- .05 Grading plans for all *lots* and other sites within the *subdivision*, a copy of the *NPDES Permit from the Iowa DNR and the Stormwater Pollution Prevention Plan*.
- .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. (*Ordinance #96-3/2-9-96*)
- .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. (*Ordinance #96-3/2-9-96*)
- .08 All plans for underground utilities shall be prepared by or at the direction of the utility company involved. (*Ordinance #96-3/2-9-96*)

9.05.040 REVIEW OF FINAL CONSTRUCTION: The *County Engineer* shall transmit a copy of the *final construction plans* to the *Development Director* 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 9.15. (*Ordinance #96-3/2-9-96*)

If such plans are consistent and do comply, the *County Engineer* shall submit a notice to the *Development Director* 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 *Development Director* as to the items of nonconformity or noncompliance. (*Ordinance #96-3/2-9-96*)

9.05.050 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*. (*Ordinance #96-3/2-9-96*)

9.05.060 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: (*Ordinance #96-3/2-9-96*)

- .01 Full time construction inspection by a qualified inspector during all major phases of the construction, the Stormwater Pollution Prevention Plan monitoring. Daily progress reports must be maintained and submitted weekly to the *County Engineer* and the *Development Director*.
- .02 Quality control testing shall be performed by the developer and the results submitted to the *County Engineer*. (*Ordinance #96-3/2-9-96*)

9.05.070 RESERVED.

9.05.080 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. (*Ordinance #96-3/2-9-96*)

9.05.090 ACCEPTANCE OF IMPROVEMENTS: Prior to acceptance of the required improvements by the *County Engineer*, the *developer* shall provide: (*Ordinance #96-3/2-9-96*)

- .01 A certification by the *developer's registered engineer* that the work, including the Stormwater Pollution Prevention Plan control measures, were completed in accordance with plans and specifications and meets all applicable *County* standards. (*Ordinance #96-3/2-9-96*)
- .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. (*Ordinance #96-3/2-9-96*)

9.05.100 REPORT TO COUNTY BOARD: If a final inspection indicates that all improvements, including soil erosion and sedimentation control, 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 9.05.110 shall commence. (*Ordinance #96-3/2-9-96*)

9.05.110 MAINTENANCE BOND: The *developer* shall warrant the design, materials and workmanship of all required improvements, including soil erosion and sedimentation control, 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. (*Ordinance #96-3/2-9-96*)

9.05.120 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 (Agricultural-Urban Transitional) District as a Country Estates Subdivision, which shall comply with the following standards and requirements of these regulations except as modified below: (*Ordinance #2004-14/07-01-04*)

- .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: (*Ordinance #96-3/2-9-96*)
 - A. Topographic conditions such as rivers, streams, ravines, or bluffs exist which would make it impractical to develop a *collector* or *street*. (*Ordinance #96-3/2-9-96*)
 - B. Only frontage roads, loop streets, *cul-de-sacs*, or other similar street designs are proposed for the *subdivision*. (*Ordinance #96-3/2-9-96*)
 - C. Other conditions similar to the above that may warrant *private streets* as determined by the *County Board*. (*Ordinance #96-3/2-9-96*)
- .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. (*Ordinance #96-3/2-9-96*)
 - A. All *private streets* shall conform to the standards and requirements of regulations as set forth in Sections 9.05.010 through 9.05.100, except Section 9.05.090; and as set forth in Chapter 9.15, except as modified herein. (*Ordinance #96-3/2-9-96*)

- B. The minimum *right-of-way* width shall be sixty-six (66) feet. (*Ordinance #96-3/2-9-96*)
 - C. The minimum roadway width shall be twenty-eight (28) feet. (*Ordinance #96-3/2-9-96*)
 - D. The minimum road shoulder width shall be four (4) feet. (*Ordinance #96-3/2-9-96*)
 - E. *Private streets* shall be constructed with an adequately compacted subsoil base and proper drainage which shall be designed, inspected and certified by *registered engineer*, and which shall be reviewed and approved by the *County Engineer* before the traffic surface is laid. (*Ordinance #96-3/2-9-96*)
 - F. The *private streets* shall comply with the specifications of the *County Engineer* and shall be improved by base stabilization and seal coated with MC800. (*Ordinance #96-3/2-9-96*)
 - G. The proposed storm sewer water drainage system shall be designed, inspected and certified by a *registered engineer* and shall be reviewed and approved by the *County Engineer* before its construction is commenced. (*Ordinance #96-3/2-9-96*)
 - H. 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. (*Ordinance #96-3/2-9-96*)
- .03 In all Country Estates Subdivisions where *private streets* are to be approved, a Road Association agreement shall be established to: (*Ordinance #96-3/2-9-96*)
- A. guarantee access to all *lots*, (*Ordinance #96-3/2-9-96*)
 - B. insure repair and maintenance of said facilities, including but not limited to the seal coat material specified in Subsection 9.05.120.02.F, and (*Ordinance #96-3/2-9-96*)
 - C. such other requirements as stipulated by the *County*. (*Ordinance #96-3/2-9-96*)
- .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*. (*Ordinance #96-3/2-9-96*)
- .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. (*Ordinance #96-3/2-9-96*)
- .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. (*Ordinance #96-3/2-9-96*)
- .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*. (*Ordinance #96-3/2-9-96*)

CHAPTER 9.10
FINAL PLAT

9.10.010 APPLICATION FOR FINAL PLAT APPROVAL: Following the approval of the *preliminary plat* in the case of a *minor subdivision*, or 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 *Development Director* for submission to the *County Board*. The application shall be accompanied by a fee as specified in Chapter 1.50. The application shall contain the following information and documentation: (Ordinance #96-3/2-9-96)

- .01 The names, addresses and telephone numbers of the *owner* of the land and the *developer*, if other than the *owner*. (Ordinance #96-3/2-9-96)
- .02 The names, addresses and telephone numbers of all professional consultants advising the *developer* with respect to the *subdivision*. (Ordinance #96-3/2-9-96)
- .03 The approved name of the *subdivision*. (Ordinance #96-3/2-9-96)
- .04 A copy of any *protective covenants* or deed restrictions affecting the *subdivision*. (Ordinance #96-3/2-9-96)
- .05 The *performance guarantee*, if required, as described in Chapter 9.05. 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. (Ordinance #96-3/2-9-96)
- .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 9.10.020, below. (Ordinance #2005-05/09-09-05)
 - A. Two (2) dimensionally stable plastic film copies and five (5) blackline/blueline print copies of the final plat, at a size of not less than 18" x 24". (Ordinance #2005-05/09-09-05)
 - B. One (1) reduced copy which is 11" x 17". (Ordinance #2005-05/09-09-05)
- .07 A statement from the mortgage holders or lien holders, if any, as required by Section 354.11, Code of Iowa, as amended. (Ordinance #96-3/2-9-96)
- .08 An opinion by an attorney-at-law, as required by Section 354.11, Code of Iowa, as amended. (Ordinance #96-3/2-9-96)
- .09 A certificate to be signed by the County Treasurer, as required by Section 354.11, Code of Iowa, as amended. (Ordinance #96-3/2-9-96)
- .10 A statement from the registered engineer that the Stormwaster Pollution Prevention Plan control measures are in place and functional.
- .11 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.
- .12 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

9.10.020 CONTENTS OF THE FINAL PLAT: The *final plat* shall be prepared by a *registered 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: (Ordinance #96-3/2-9-96)

- .01 The approved name of the *subdivision*. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)

- .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*. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .06 The location of all existing and new *streets* within the *subdivision*. (Ordinance #96-3/2-9-96)
- .07 The names and width of all existing and new *streets* within the *subdivision*. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .10 The recorded reference of any *protective covenants* or deed restrictions affecting the *subdivision* shall be shown as a notation on the *final plat*. (Ordinance #96-3/2-9-96)
- .11 A statement by the proprietors and their spouse, if any, as required by Chapter 354.11, Code of Iowa, as amended. (Ordinance #96-3/2-9-96)
- .12 A certificate signed by a registered land surveyor, as required by Chapter 355, Code of Iowa. (Ordinance #96-3/2-9-96)
- .13 A certificate to be signed by the *Development Director* approving the *final plat* with respect to compliance with the requirements of the *County Zoning Ordinance*. (Ordinance #96-3/2-9-96)
- .14 A certificate to be signed by the *County Engineer* approving the *final plat* with respect to *public improvements*, if any. (Ordinance #96-3/2-9-96)
- .15 A certificate for approval of the *County Board* to be signed by the Chairman and attested by the *County Auditor*. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)

9.10.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the *Development Director* 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. (Ordinance #96-3/2-9-96)

9.10.040 REVIEW OF FINAL PLAT: The *Development Director* shall transmit copies of the *final plat* to the *County Engineer*. (Ordinance #96-3/2-9-96)

Copies of the *Development Director's* comments and recommendations, as well as those of the *County Engineer*, shall be submitted to the *County Board*. (Ordinance #96-3/2-9-96)

9.10.050 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. (*Ordinance #96-3/2-9-96*)

9.10.060 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. (*Ordinance #96-3/2-9-96*)

Adoption of a resolution shall require an affirmative vote of at least a majority of those voting. (*Ordinance #96-3/2-9-96*)

9.10.070 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. (*Ordinance #2005-05/09-09-05*)

.01 The Development Director shall notify, in writing, the developer of the County Board's decision. (*Ordinance #2005-05/09-09-05*)

.02 If the final plat is approved by the County Board, the Development Director, 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: (*Ordinance #2005-05/09-09-05*)

A. One (1) print copy, at a size of not less than 18" x 24", to the County Engineer. (*Ordinance #2005-05/09-09-05*)

B. Two (2) dimensionally stable plastic film and two (2) print copy, at a size of not less than 18" x 24", to the County Recorder, to be recorded in accordance with the provisions of Chapter 354, Code of Iowa to be distributed as follows: film copy each to the County Recorder and County Auditor; print copy each to the Assessor and County Recorder. (*Ordinance #2005-05/09-09-05*)

9.10.080 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*. (*Ordinance #96-3/2-9-96*)

9.10.090 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 proceed with execute the *performance guarantee* in order to assure that the required improvements are completed. (*Ordinance #96-3/2-9-96*)

**CHAPTER 9.15
DESIGN STANDARDS**

9.15.010 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: (*Ordinance #96-3/2-9-96*)

- .01 The *County Zoning Ordinance* and all other applicable laws, rules and regulations of the appropriate local jurisdictions. (*Ordinance #96-3/2-9-96*)
- .02 The *Comprehensive Land Use Plan* and all other applicable plans adopted by the *County*. (*Ordinance #96-3/2-9-96*)
- .03 All applicable standards established and regulations adopted by the *County Engineer* and all officers, departments and boards of the *County*. (*Ordinance #96-3/2-9-96*)
- .04 All applicable laws, rules and regulations of the State and its duly constituted agencies. (*Ordinance #96-3/2-9-96*)
- .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 9.01.020. (*Ordinance #96-3/2-9-96*)

9.15.020 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: (*Ordinance #96-3/2-9-96*)

- .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 of necessary to 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*. (*Ordinance #96-3/2-9-96*)
 - A. Residential *subdivisions* shall provide all *lots* with a means of vehicular access that will remain dry during an occurrence of a one hundred (100) year flood. (*Ordinance #96-3/2-9-96*)
- .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. (*Ordinance #96-3/2-9-96*)
- .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: (*Ordinance #96-3/2-9-96*)
 - A. Lands altered or filled with non-earth materials. (*Ordinance #96-3/2-9-96*)
 - B. Soils having a percolation rate of slower than one (1) inch per sixty (60) minutes. (*Ordinance #96-3/2-9-96*)
 - C. Lands drained by farm drainage tile or farm ditch systems. (*Ordinance #96-3/2-9-96*)
 - D. Lands having rock, impervious clay or ground water closer than thirty-six (36) inches to the final *grade* of the ground. (*Ordinance #96-3/2-9-96*)

- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)

9.15.030 PRESERVATION OF NATURAL FEATURES: Existing features which would add value to residential development or the *County* as a whole, such as large trees, unusual rock formations, watercourses, hilltops, scenic views, sites of historical significance and similar irreplaceable assets, shall be preserved in the design of the *subdivision*. (Ordinance #96-3/2-9-96)

9.15.040 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: (Ordinance #96-3/2-9-96)

- .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) percent, dedicated or reserved a usable, *common open space* dedicated or reserved for *common open space*. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .03 The length of the *common open space* shall not be more than five (5) times the width of the *common open space*; (Ordinance #96-3/2-9-96)
- .04 The *common open space* shall be easily accessible to all property owners within the *subdivision*; (Ordinance #96-3/2-9-96)
- .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*. (Ordinance #96-3/2-9-96)
- .06 The following may be included in or considered part of *common open space*: (Ordinance #96-3/2-9-96)
 - 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; (Ordinance #96-3/2-9-96)
 - 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 9.15.040.03 shall not apply to bikeways. (Ordinance #96-3/2-9-96)
- .07 The following shall not be included in or considered part of the *common open space*: (Ordinance #96-3/2-9-96)
 - A. Areas reserved for the exclusive use or benefit of an individual tenant or property owner; (Ordinance #96-3/2-9-96)
 - 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; (Ordinance #96-3/2-9-96)
 - C. Vehicular drives, parking, loading and storage area. (Ordinance #96-3/2-9-96)

.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*. (Ordinance #96-3/2-9-96)

9.15.050 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*. (Ordinance #96-3/2-9-96)

9.15.060 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*. (Ordinance #96-3/2-9-96)

9.15.070 RESERVED.

9.15.080 LOTS: The arrangement of *lots* shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building 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*. (Ordinance #96-3/2-9-96)

.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*. (Ordinance #96-3/2-9-96)

.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*. (Ordinance #96-3/2-9-96)

.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. (Ordinance #96-3/2-9-96)

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*. (Ordinance #96-3/2-9-96)

.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*. (Ordinance #96-3/2-9-96)

.06 Every *lot* shall abut and have access to a *public* or *private street*. (Ordinance #96-3/2-9-96)

.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. (Ordinance #96-3/2-9-96)

.08 *Double frontage* and reverse frontage *lots* shall be avoided except where necessary to provides separation of residential development from *arterial streets* or to overcome specific disadvantages of topography and orientation. (Ordinance #96-3/2-9-96)

9.15.090 FRONTAGE REQUIRED: All *major* or *minor 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

9.05.120; 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 or oiled *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*. (Ordinance #96-3/2-9-96)

9.15.100 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: (Ordinance #96-3/2-9-96)

- .01 *Streets* shall provide, where practical, for the continuation or appropriate projection of existing *streets* in the surrounding area. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)

9.15.110 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 Statewide Urban Design and Specifications (SUDAS) Manual 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. (Ordinance #2005-05/09-09-05)

- .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*. (Ordinance #96-3/2-9-96)
- .02 Dead-end streets, designed to be so permanently, shall be no longer than one thousand (1,000) feet. All permanently dead-end streets shall terminate in a *cul-de-sac* with a minimum of right-of-way diameter of one-hundred (100) feet. (Ordinance #2005-05/09-09-05)
- .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. (Ordinance #96-3/2-9-96)

- .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. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)
- .06 All concrete pavement shall utilize Type 1PF Cement. (Ordinance #2005-05/09-09-05)
- .07 All pavements shall meet or exceed minimum smoothness standards based on current Iowa Department of Transportation specifications, as stipulated in Section 2316.02-Measurements; 2316.03-Evaluation; and Section 2532-Pavement Surface Repair (Diamond Grinding). (Ordinance #96-3/2-9-96)

Final profile index shall not exceed forty (40) inches per mile or the current metric equivalent adopted by the Iowa Department of Transportation. (Ordinance #96-3/2-9-96)

All costs incurred to test for assurance that the minimum smoothness standards have been met shall be the responsibility of the *developer*. (Ordinance #96-3/2-9-96)

- .08 Bump correction or smoothness correction or both may be required. If required, the correction shall be completed before the final determination of pavement thickness. All bumps exceeding a vertical height of five-tenths (0.5) inch in a twenty-five (25) foot span, as indicated on the profile trace, shall be corrected. Corrections will also be required, in lengths excluded from the profilogram, for deviations exceeding one-eighth (1/8) inch in ten (10) feet. However, on asphalt pavements the surface shall be corrected only with approval of the *County Engineer*. Also, when an additional full width lane for through traffic is to be constructed, bump correction of the new pavement will not be required if the bump also occurs at the location in the adjacent lane. The corrected bumps will be considered satisfactory when measurement by the profilograph shows that the bumps are five-tenths (0.5) inch or less in a twenty-five (25) foot span. (Ordinance #96-3/2-9-96)
- .09 *Streets* which exceed nine hundred (900) feet in length shall use a slip form paver when furnishing Portland cement concrete. (Ordinance #96-3/2-9-96)

9.15.120 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: (Ordinance #96-3/2-9-96)

- .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*. (Ordinance #96-3/2-9-96)
- .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*. (Ordinance #96-3/2-9-96)
- .03 A *marginal access street*, separated from the *arterial street* by a buffer or grass strip and having access thereto at suitable points. (Ordinance #96-3/2-9-96)
- .04 In a minor subdivision where driveway access is directly from a *street*, 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*. (Ordinance #2004-14/07-01-04)
- .05 No more than four (4) lots or combination of lots and parcels can be directly accessed from an existing street. A cul-de-sac, frontage road or series of interior streets shall be required when the number of lots exceed four (4), unless a residential driveway that existed prior to January 1, 2004 will be utilized and no new entrances are being constructed. (Ordinance #2005-05/09-09-05)

9.15.130 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: (Ordinance #96-3/2-9-96)

- .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." (Ordinance #96-3/2-9-96)
- .02 In *nonresidential subdivisions*, the nearest *street* extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance there from to ensure suitable depth for the commercial or industrial sites. (Ordinance #96-3/2-9-96)
- .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. (Ordinance #96-3/2-9-96)

9.15.140 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.

Where a public water supply system is provided no private water wells shall be constructed.

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

Where a rural water supply system is provided no private water wells shall be constructed.

- .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.

Where a common water supply system is provided no private water wells shall be constructed.

- .04 Where an adequate public, rural 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 Pottawattamie 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.

- C. In a major subdivision, the developer shall have a well corridor map prepared by a licensed professional engineer designating the area to be dedicated to the drilling of a private water well. The area designated shall be adequate for the construction of a private water well and shall meet the separation requirements established by Pottawattamie County, Iowa, Private Water Well Ordinance from septic laterals.

9.15.150 SANITARY SEWER: The developer shall make provisions for an approved, sanitary means of sewage disposal for every lot in the subdivision as follows: (*Ordinance #96-3/2-9-96*)

- .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. (*Ordinance #96-3/2-9-96*)
- .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. (*Ordinance #2004-14/07-01-04*)
- .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. (*Ordinance #96-3/2-9-96*)
 - 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. In the event the existing grade of the lots is altered, soil loading rates shall be determined for each lot and each hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with the Pottawattamie County, Iowa, Onsite Wastewater Treatment and Disposal System Ordinance. (*Ordinance #96-3/2-9-96*)
 - 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. In a major subdivision, the developer shall have a septic corridor map prepared by a licensed professional engineer designating the area to be dedicated to the construction of the said systems, subject to the following:
 - 1. The area designated shall be a minimum of 10,000 square foot of usable area.
 - 2. The area designated shall be increased by 5% for each 5% increase in grade above level.
 - 3. No improvements, including driveways shall be allowed in the area designated.
 - 4. The area designated shall meet the separation requirements established by Pottawattamie County, Iowa, Private Onsite Waste Water Treatment and Disposal System Ordinance from the private water well. (*Ordinance #2005-05/09-09-05*)
 - 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. (*Ordinance #96-3/2-9-96*)

9.15.160 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*. (*Ordinance #96-3/2-9-96*)

9.15.170 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 where practicable at the rear and side of each *lot* and along such other *lot lines* 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*. (Ordinance #96-3/2-9-96)

.01 All utility distribution lines for telephone, electric, natural gas and cable television service 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, nor 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. (Ordinance #96-3/2-9-96)

.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. (Ordinance #96-3/2-9-96)

.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. (Ordinance #96-3/2-9-96)

.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. (Ordinance #96-3/2-9-96)

9.15.180 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*. (Ordinance #96-3/2-9-96)

9.15.190 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. (Ordinance #96-3/2-9-96)

9.15.200 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. (Ordinance #96-3/2-9-96)

9.15.210 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*. (Ordinance #96-3/2-9-96)

9.15.220 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 (Agricultural-Urban Transitional) 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 9.05. (Ordinance #2004-14/07-01-04)

9.15.230 RESERVED.

- 9.15.240 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 9.15.250 for sidewalk improvements, shall be placed along the entire length of such walkway. (*Ordinance #96-3/2-9-96*)
- 9.15.260 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*. (*Ordinance #96-3/2-9-96*)
- .01 Sidewalks may be provided for all *streets* in *nonresidential subdivisions*. (*Ordinance #96-3/2-9-96*)
- .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 foot or less. (*Ordinance #96-3/2-9-96*)
- 9.15.260 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. (*Ordinance #96-3/2-9-96*)
- 9.15.270 MONUMENTATION:** The *surveyor* shall cause to be placed permanent reference monuments in the *subdivision* as required in Chapter 355, Code of Iowa, as amended. (*Ordinance #96-3/2-9-96*)
- 9.15.280 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. (*Ordinance #96-3/2-9-96*)

CHAPTER 9.20 AMENDMENTS

- 9.20.010 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. (*Ordinance #96-3/2-9-96*)
- 9.20.020 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*. (*Ordinance #96-3/2-9-96*)
- 9.20.030 APPLICATION FOR AMENDMENTS:** An application for an amendment shall be filed, upon the form provided, with the *Development Director* for submission to the *Commission*. The application shall be accompanied by a fee as specified in Chapter 1.50 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: (*Ordinance #96-3/2-9-96*)
- .01 The name, address and telephone number of the *owner* of the land and the applicant, if other than the *owner*. (*Ordinance #96-3/2-9-96*)
- .02 The precise wording of the proposed amendment. (*Ordinance #96-3/2-9-96*)
- .03 A statement of the need and justification for the proposed amendment. (*Ordinance #96-3/2-9-96*)

.04 Such other and further information and documentation as the *Development Director, Commission* or *County Board* may deem necessary or appropriate to a full and proper consideration and disposition of the particular application. (Ordinance #96-3/2-9-96)

9.20.040 PUBLIC HEARING BY COMMISSION: Before taking final action on a proposed amendment to the text of this Ordinance the *Commission* shall 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: (Ordinance #96-3/2-9-96)

.01 A notice of the public hearing shall be given by one (1) publication in all of the official newspapers in the *County* not less than four (4) nor more than twenty (20) days prior to the public hearing. (Ordinance #96-3/2-9-96)

.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. (Ordinance #96-3/2-9-96)

9.20.050 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. (Ordinance #96-3/2-9-96)

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. (Ordinance #96-3/2-9-96)

9.20.060 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. (Ordinance #96-3/2-9-96)

9.20.070 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. (Ordinance #96-3/2-9-96)

Passage of the proposed amendment shall require an affirmative vote of not less than a simple majority of the entire *County Board*. (Ordinance #96-3/2-9-96)

9.20.080 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 *Development Director* shall maintain a current, permanent record of all amendments to the text of the Ordinance in a form convenient for public inspections. (Ordinance #96-3/2-9-96)

CHAPTER 9.25 FEES

9.25.010 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. (Ordinance #96-3/2-9-96)

9.25.020 FEE SCHEDULE: The fee schedule as set forth in Chapter 1.50 is hereby established for matters pertaining to this Ordinance. (Ordinance #96-3/2-9-96)

9.25.030 PAYMENT OF FEES: All fees mentioned above shall be paid to the County Treasurer for the general fund of Pottawattamie County, Iowa. The receipt shall be attached to the application submitted to the *Development Director* or *County Engineer*. (Ordinance #96-3/2-9-96)

9.25.040 FEE REFUND: Whether the request is granted or denied by the *Development Director, County Engineer, Commission,* or *County Board* the applicant shall not be entitled to a refund of the fee paid. (Ordinance #96-3/2-9-96)

CHAPTER 9.30
ENFORCEMENT AND LEGAL STATUS PROVISIONS

9.30.010 VIOLATIONS AND PENALTIES: The penalty for violating the provisions of this Chapter shall be as set forth in Chapter 1.75. (*Ordinance #98-6/July 24, 1998*)

9.30.020 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. (*Ordinance #96-3/2-9-96*)