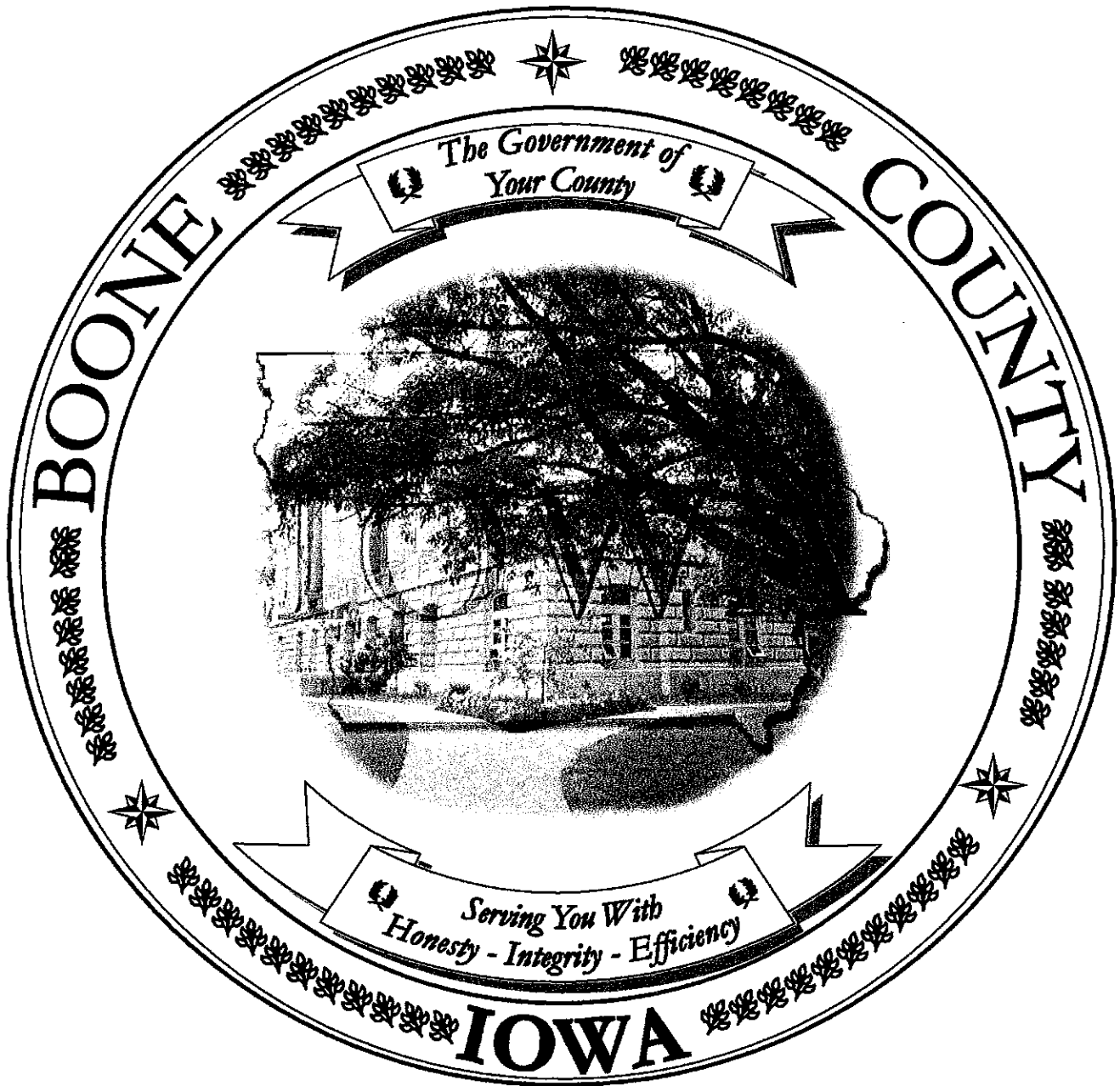


Ordinance #33

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Land Division Ordinance



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**LAND DIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF BOONE
COUNTY, IOWA**

An ordinance regulating the division of land; providing for classifications of minor land division, agricultural land division, and subdivision; and prescribing standards for subdivisions and for the improvement thereof, prescribing procedures for the review of proposed subdivision plats and establishing fees therefore, and prescribing penalties for the violation of such ordinance. This ordinance is in conformance with Chapter 354 and Chapter 355 of the Code of Iowa 1999 or as thereafter amended.

Be it ordained by the Board of Supervisors of Boone County, Iowa.

Article I. GENERAL PROVISIONS

1.01 SHORT TITLE

This ordinance shall be known as the " Land Division Ordinance" of Boone County, Iowa.

1.02 PURPOSE

It is the purpose of this ordinance to provide for a balance between review and regulation authority of Boone County concerning the division and subdivision of land and the rights of landowners. It is therefore determined to be in the public interest:

- (a) To provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems.
- (b) To provide for balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public.
- (c) To provide for uniform procedures for the division and subdivision of land.
- (d) To encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with an approved comprehensive or community plan.

The regulations are established with reasonable consideration of the character of Boone County with a view toward conserving agriculture land, protecting natural resources and environmentally sensitive areas, protecting the value of buildings upon the land, and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the Health Regulations, Zoning Ordinance, and the Official County Comprehensive Plan.

1.03 JURISDICTION

The Land Division Ordinance of Boone County, Iowa, shall apply to all divisions of land that require a metes and bounds description, in accordance with Chapter 354 and Chapter 355 of the Iowa Code (1999) or as thereafter amended.

Subdivision requirements and approval procedures of this ordinance apply only to the unincorporated area of Boone County. Preliminary and final subdivision plats, proposed improvements to be installed, and all procedures relating thereto, shall in all respects be in full compliance with the regulations herein.

Until preliminary plats and plans for the subdivision are approved by the Board of Supervisors:

- (a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land.
- (b) No lot, tract or parcel of land within any subdivision shall be offered for sale, nor shall any sale, contract for sale, or option be made or given.
- (c) No improvements such as sidewalks, water supply, storm water drainage, sewerage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets shall hereafter be made by any owner or owners of his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent.

1.04 APPLICATION

A proposal for division of land by a metes and bounds description shall be filed in written form on application forms provided by the County. Forms may be obtained from the Boone County Auditors Office or Boone County Planning and Development Office. The Plat Officer will determine the division to be a minor land division, agricultural land division, or subdivision upon receiving all application materials and associated fees. The Plat Committee shall review appeals of the Plat Officers decision. This review will dictate standards to be followed for approval of proposed divisions.

A plat of survey must be recorded in the office of the Boone County Recorder for any tract of land, which on transfer, requires use of a metes and bounds description. The plat of survey will be clearly labeled as a minor land division, agricultural land division, or bear a unique subdivision name as approved by the County Auditor or Auditor's designee.

1.05 RECORDING OF PLAT

No plat of a minor land division or agricultural land division shall be filed for record with the County Recorder, or recorded by the County Recorder, unless said plat bears County Auditor's or Auditor designee's stamp approving parcel names and land division classification.

No subdivision plat, re-subdivision plat or street dedication within Boone County, Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until final plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance. The Recorder shall refuse to accept a subdivision plat presented for recording without a resolution from the Board of Supervisors and the applicable City Council if the property in question lies within 2 miles of a city that has adopted ordinances regulating the division of land outside the city's corporate limits.

Upon approval of the final plat by the County Supervisors, the subdivider shall, within 30 days, file such plat with the County Auditor, County Recorder, and County Assessor and evidence thereof filed with the Board of Supervisors; approval otherwise will be deemed revoked.

1.06 FEES ESTABLISHED

The Board of Supervisors shall, from time to time, establish, by resolution, fees for the review of plats. No plat for any land division, subdivision or re-subdivision shall be considered filed with the Board of Supervisors, unless and until said plat is accompanied by the fee, as required by this ordinance. A copy of the current applicable fee schedule is attached.

1.07 PENALTIES

Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved, and recorded as required by law (1.05 above and Iowa Code Chapter 354 and 355) shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the County's right to any other remedies available to the County for the enforcement of this ordinance (Code of Iowa 1999, Chapter 354).

1.08 ZONING PERMIT TO BE DENIED

No permits shall be issued for construction on any lot, parcel, or tract where a subdivision is required by this ordinance unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until all improvements required by this ordinance have been installed or performance bond has been delivered to Boone County.

1.09 ACCESS TO PUBLIC ROADS

Access to the County Secondary Road system shall be limited to two (2) per subdivision. Frontage roads with single access will be considered the preferred method.

Article II. DEFINITIONS

2.01 TERMS DEFINED

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

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

Agricultural Land Division: A division of land for agricultural purposes.

Aliquot Part: a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

Auditor's Plat: a plat of survey or subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the Auditor and paid for by the property owners of said plat.

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

County: Boone County, Iowa.

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

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

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

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

Division: dividing a tract or parcel of land into two or more parcels of land by conveyance or for tax purposes. The conveyance of an easement shall not be considered a division for the purpose of this ordinance.

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

Flood Hazard Area: any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one-hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Administration.

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

Forty-acre Aliquot Part: one-quarter of one-quarter of a section.

Government Lot: a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

Improvements: changes to land necessary to prepare it for building sites including but not limited to grading, street surfacing, curb paving, side walks, walkways, water mains, sewers, drainage facilities, and other public works and appurtenances.

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

Lot, Corner: The term "corner lot" means a lot situated at the intersection of and fronting on two streets or rights-of-way.

Lot, Double Frontage: The term "double frontage lot" means any lot that abuts two streets or rights-of-way and is not a corner lot.

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

Minor Land Division: Any division of land that fronts on an existing street and that does not require the construction of any improvements and that does not adversely affect the remainder of the parcel. A plat of survey may be filed as approved by the County Auditor or Auditor's designee.

Official Plat: a plat of survey, Auditor's plat or a subdivision plat that meets the requirements of this ordinance and has been filed for record in the offices of the Recorder, Auditor and Assessor.

Owner: see proprietor.

Parcel: a part of a tract of land.

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

Preliminary Plat: a map or drawing, or chart on which a sub-divider's plan for the subdivision of land is presented, that he or she submits for approval intending to proceed with refinements into final form for recording.

Plat Committee: County Assessor, County Auditor, County Engineer, Planning and Development Director or their designee and the Chairperson of the Board of Supervisors.

Plat Officer: the individual assigned the duty to administer the ordinance by the Board of Supervisors or other appointing authority.

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

Proprietor: a person, corporation, or entity having a recorded interest in land, including a person selling or buying land pursuant to a contract, but excludes persons holding mortgage, easement, or lien interest.

Re-subdivision: any subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land.

Street, Arterial: The term "Arterial Street" means a street primarily intended to carry traffic from one part of the County to another, and not intended to provide access to abutting property.

Street, Collector: The term "Collector Street" means a street primarily designed to connect smaller areas of the County, and to carry traffic from local streets to arterial streets.

Street, County: Any arterial, collector, or minor street, which has been constructed to Boone County Standards and has been formally adopted and accepted into the County Road System. The County shall maintain this road.

Street, Public: public property, not an alley, which is any arterial, collector, or minor street, which is intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property/easement lines of such public property, or may refer to the paving installed within such right-of-way. The County will not maintain these roads.

Sub-divider: the owner of the property being subdivided, or such other persons or entity empowered to act on the owners' behalf.

Subdivision: any division of land that is **not** classified as a minor or agricultural division of land.

Subdivision Plat: the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title (approved by County Auditor) for Boone County.

Surveyor: a licensed land surveyor who engages in the practice of land surveying pursuant to chapter 542B of the Code of Iowa 1999 or as thereafter amended.

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

Utilities: system for the distribution or collection of water, gas, electricity, wastewater, and storm water.

Zoning Administrator: The administrative officer appointed by the Board of Supervisors to administer and enforce the regulations of the Boone County Zoning Ordinance.

Zoning Commission: the appointed commission designated by the Board of Supervisors for the purposes of the Boone County Zoning Ordinance.

Zoning Ordinance: Shall mean the Boone County Zoning Ordinance.

Zoning Permit: A lawful permit issued by the Zoning Administrator of Boone County, Iowa, for the erection, reconstruction or alteration of a building or structure or use of land.

Article III. MINOR LAND DIVISION OR AGRICULTURAL LAND DIVISION**3.01 DETERMINATION MADE**

The owner/proprietor proposing to divide land by a metes and bounds description shall submit an application to the County, through the Auditor's Office or Planning and Development Department, detailing the proposed division. The Plat Officer will determine the division to be a minor land division, agricultural land division, or subdivision upon receiving all application materials and associated fees. The Plat Committee shall determine appeals of the Plat Officers decision. This determination will dictate standards to be followed for approval of proposed division.

3.02 PLAT TO CONFORM TO COMPREHENSIVE PLAN:

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

Zoning of land proposed to be divided must be to the classification of its intended use (i.e., the land of a proposed residential subdivision must be zoned residential before a preliminary plat will be considered). Information shall be provided with any preliminary plat as to the type of development being proposed. Residential and commercial standards are quite different, and the County needs to know which apply.

3.03 MINOR LAND DIVISION STANDARDS

Proposals classed as minor land divisions shall:

- (a) Cause a survey to be prepared in accordance with all applicable provisions of the Code of Iowa Chapters 354 and 355. Said survey shall be clearly labeled as a **minor** land division. (i.e., Parcel A in NW ¼ of NW ¼ Section 24, T83N, R26W of 5th PM a Boone County Minor Land Division or Parcel B in SW ½ of NE ¼ Section 2, T82N, R28 W of 5th PM a Boone County **Minor** Land Division)
- (b) In addition to the above requirements, the survey shall disclose any ingress or egress easement of record.
- (c) Said survey shall not be filed for record, and the Boone County Recorder shall not record said survey, unless and until evidence of approval of the County Auditor or Auditor's designee is affixed to the survey.

Boone County shall make no judgments as to suitability of lots created by proposed division with regard to development. Boone County Health and Zoning regulations shall be met in order to develop any division under this section.

Divisions of property located within a two-mile radius of a city, that has adopted ordinances providing for review of property divisions within a two-mile area, must also be approved by said City or obtain a letter from said City stating they do not wish to review this division. If upon verbal notification there is no response from said City, a letter will be sent by the Plat Officer stating the general location of the proposed division and a declaration stating that if no response is received within 5 working days it will be conclusively presumed that the City chooses not to review the division.

3.04 AGRICULTURAL LAND DIVISION STANDARDS

Proposals classed as agricultural land divisions shall:

- (a) Cause a survey to be prepared in accordance with all applicable provisions of the Code of Iowa Chapters 354 and 355. Said survey shall clearly be labeled as an **Agricultural Land Division**. (i.e. Parcel A in NW ¼ of NW ¼ Section 24, T83N, R26W of 5th PM a Boone County Minor Land Division or Parcel B in SW ½ of NE ¼ Section 2, T82N, R28 W of 5th PM a Boone County **Agricultural Land Division**)
- (b) In addition to above requirements, the survey shall disclose any ingress or egress easement of record.
- (c) Said survey shall not be filed for record, and the Boone County Recorder shall not record said survey, unless and until evidence of approval of the County Auditor or Auditors designee is affixed to the survey.

Boone County shall make no judgments as to suitability of lots created by proposed division with regard to development. Boone County Health regulations shall be met in order to develop any division under this section for agricultural purposes.

Divisions of property located within a two-mile radius of a city, that has adopted ordinances providing for review of property divisions within a two-mile area, must also be approved by said city or obtain a letter from said city stating they do not wish to review this division.

Article IV. RURAL SUBDIVISIONS

All rural divisions of land not classified in Article III above, shall be classified a subdivision and be subject to all regulations with regard to subdivisions contained in this ordinance. All divisions of land within an incorporated city not classified in Article III above, shall be platted according to subdivision ordinance of said city, if said city has adopted a subdivision ordinance. If said city has not adopted a subdivision ordinance, the city may choose to enforce the County standards.

All divisions located within two miles of a City will have to meet requirements of City and County land division and/or subdivision ordinances, if the said city has adopted ordinances allowing it to review platting within the said two mile area. All divisions within two miles of a City, must either obtain a resolution approving subdivision by said City, or a letter explaining that said City does not wish to review said division. If upon verbal notification there is no response from said City, a letter will be sent by the Plat Officer stating the general location of the proposed division and a declaration stating that if no response is received within 5 working days it will be conclusively presumed that the City chooses not to review the division.

Article V. IMPROVEMENTS

5.01 IMPROVEMENTS REQUIRED

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

5.02 INSPECTION

All improvements shall be inspected to insure compliance with the requirements of this ordinance. The cost of such inspection shall be borne by the sub-divider. A Certified Engineer licensed by the State of Iowa shall perform periodic inspection as necessary to insure proper development of roads and storm water drainage systems; however, the Boone County Engineer may choose to perform all final inspections. If the County Engineer allows a Certified Engineer licensed by the state of Iowa to perform final inspections, a certification shall be submit to the Boone County Engineer.

Other required or requested inspections by the County Engineer, Zoning Administrator, and Sanitarian shall be paid for by the sub-divider. Refer to Article I, Section 1.04.

5.03 MINIMUM IMPROVEMENTS

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

- (a) Streets: The sub-divider of land being subdivided shall provide drainage ditches, grading of the entire street right-of-way, alley or public place and provide appropriate paving or aggregate on all streets according to the standards and specifications of the Boone County Engineer. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the County. The street specifications are available at the Boone County Engineer's Office. All streets shall be designated as public or County on the preliminary plat. Any variation from County standards must be approved specifically as part of the resolution approving the subdivision.
- (b) Sanitary Sewer System: The sub-divider of the land being platted shall make adequate provision for the treatment of sanitary sewage from the platted area with due regard being given to the present or reasonably foreseeable needs. Where connection to a central sewer system, or the construction of a central sewage collection and treatment system cannot be accomplished, private septic systems may be allowed. All preliminary plats will be accompanied by a septic plan that must be approved by the Boone County Health Department. Such septic system(s), if approved, may be installed by the subdivider, or by a subsequent owner at the time development of the lot takes place. Sites for septic systems are to be left undisturbed as determined by the Boone County Health Department.
- (c) Lots: The sub-divider of land being platted shall, whenever necessary, grade any portion of the property being divided into lots so that each lot will be usable and suitable for erection of residences or other structures thereon. All lots must be so designed to accommodate construction in accordance with the Boone County Zoning Ordinance. If a non-buildable lot is created the lot shall be dedicated as open space or a park.
- (d) Storm Water Drainage: The storm water drainage and/or storm water sewer system shall be adequate to serve the area, including anticipated extension of use to serve additional areas, so

- as to prevent undue runoff onto adjacent land and to ensure future development. The developer shall install the system and accomplish needed grading before final approval is granted.
- (e) **Water System:** The sub-divider of land being platted shall make appropriate provisions for a suitable water supply for each platted lot or parcel to be installed prior to road construction. Such water supply shall be appropriate for the character of the development proposed. No subdivision shall be approved until and unless the proposed system for providing the water has been approved by the County Engineer and the County Health Officer. Individual wells, if approved, may be installed by the sub-divider, or by a subsequent owner at the time development of a lot takes place.
 - (f) **Other Improvements:** The sub-divider of the land being platted shall be responsible for the grading and seeding or sodding of all lots, the planting of any required trees, and the installation of street signs and street lighting. Undeveloped lots shall be maintained in a manner so as to prevent unsightly conditions to surrounding property owners. Undeveloped lots shall be free of construction wastes.
 - (g) **Permanent Monuments:** each subdivision plat shall be located from two permanent U. S. public land survey monuments. Monuments of a permanent nature defining the subdivision shall be installed by surveyor in accordance with the Iowa Code. Point of beginning for all surveys shall be from a U. S. public land survey monument.
 - (h) **Street Signs:** Street names will be determined in accordance with the County E-911 addressing system. Street names will be assigned by the Boone County Planning and Development Department. The cost of street signs and installation shall be borne by the developer.
 - (i) **Electricity:** The Zoning Commission may recommend and the Board of Supervisors may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street shall be installed prior to the improvement of any such street, or alley in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinet may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. If overhead utility lines or wires are permitted, they shall be placed in the easements provided. In determining whether or not to require underground utilities, the Board or Supervisors and Zoning Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

5.04 EASEMENTS REQUIRED

- (a) **Utility Easements:** Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along road right-of-way and other lot lines where necessary for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities. No buildings or structures except as necessary for utilities shall be permitted in such easements.

- (b) **Easements Along Streams and Watercourses:** Whenever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall also provide an easement along said streams and watercourses as necessary for the proper maintenance of the watercourse.

- (c) **Agricultural Drainage District Easements:** Drainage district easements shall be disclosed on preliminary and final plat. All lots shall be designed to allow buildings of a permanent nature and septic systems to be located outside the drainage district maintenance easements over said subdivision. Surveyors may contact the County Engineers office for location of said easements.

5.05 MAINTENANCE OF IMPROVEMENTS

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

Article VI. MINIMUM DESIGN STANDARDS FOR SUBDIVISIONS

6.01 STANDARDS PRESCRIBED

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

6.02 LAND SUITABILITY

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

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

6.03 LANDS SUBJECT TO FLOODING

No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located. Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the County.

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

6.04 PLAT TO CONFORM TO COMPREHENSIVE PLAN:

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

Zoning of land proposed to be subdivided must be to the classification of its intended use (i.e., the land of a proposed residential subdivision must be zoned residential before a preliminary plat will be considered). Information shall be provided with any preliminary plat as to the type of development being proposed. Residential and commercial standards are quite different, and the County needs to know which apply.

6.05 CONSTRUCTION STANDARDS FOR IMPROVEMENTS:

In addition to the standards set forth in this ordinance, the County Engineer shall from time to time prepare, and the Board of Supervisors shall from time to time adopt by resolution, Technical Standards for public improvements. Such Technical Standards for public improvements shall contain the minimum

acceptable specifications for the construction of improvements. Such Technical Standards may vary for classes of improvements, giving due regard to the classification of streets and roads, or other improvements, and the extent and character of the area served by the improvements.

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

6.06 STREET STANDARDS:

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

- (a) Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or County Road or Street Plan, the plat shall provide for such street.
- (b) Street grades shall align to existing streets, and all grades for streets shall be as approved by the County.
- (c) New arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
- (d) Street right-of-way and pavement widths shall be as specified in the Comprehensive Plan, County Road or Street Plan, or Technical Standards for Public Improvements.
- (e) Half-streets are prohibited, except where an existing platted half street abuts the subdivision, a platted half-street to complete the street shall be required.
- (f) Minor streets should be designed to discourage through traffic while safely connecting to major streets or roads.
- (g) Street jogs with centerline offsets of less than one hundred twenty five (125) feet shall be prohibited, except where topography, or other physical conditions make such jogs unavoidable.
- (h) Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.
- (i) Streets that connect with other streets, or loop streets, are preferable, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed 800 feet in length unless a greater length is unavoidable. All cul-de-sacs shall have a surfaced radius of at least 50-feet and a 60-foot radius dedicated to right-of-way.
- (j) When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate re-subdivision with provision for adequate utility connections for such re-subdivision.
- (k) Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall be consistent with the "County Road Naming System" (see Boone County Rural Address Map) and should not be the same or sound similar to existing street names. All street names shall be at the approval of the Zoning Administrator.

6.07 BLOCK AND LOT STANDARDS:

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

- (a) The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the Zoning Ordinance.
- (b) Block and lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding uses.
- (c) The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located.
- (d) All lots shall abut a public street or upon an approved private street, with a minimum frontage of at least forty (40) feet measured as a straight line between the two front lot corners.
- (e) Unless unavoidable, lots shall not front or have direct access to arterial streets or County roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- (f) All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in judgment of the Board of Supervisors, a variation to this provision will provide a better street and lot layout.
- (g) Corner lots shall have sufficient extra width to permit the required front yard and corner side yard setback as specified in the Zoning Ordinance, oriented to either street.
- (h) Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

6.08 PARKS AND OPEN SPACE:

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

Article VII. PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS**7.01 PRE-APPLICATION CONFERENCE:**

Whenever a subdivision located in the unincorporated area of Boone County is proposed, the owner and subdivider shall schedule a pre-application conference with the Plat Officer. The conference should be attended by the Plat Officer and such other County or utility representatives as is deemed desirable; and by the owner and his or her engineer, and/or planner, as deemed desirable. If any portion of the land to be subdivided lies within two (2) miles of any municipality in the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa 1999, the Plat Officer shall notify the City in writing, and shall invite the appropriate City representatives to attend the Pre-application Conference.

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

7.02 SKETCH PLAN REQUIRED:

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

7.03 COURTESY REVIEW BY THE ZONING COMMISSION OR BOARD OF SUPERVISORS:

The subdivider may present the sketch plan to the Zoning Commission **and/or** Board of Supervisors for review, prior to incurring significant costs preparing the preliminary or final plat. The Zoning Commission and the Board of Supervisors shall not make any formal decisions at the courtesy review. The courtesy review is only intended to bring about important concerns of the Zoning Commission and the Board of Supervisors.

7.04 PLATS REQUIRED:

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

7.05 REQUIREMENTS OF THE PRELIMINARY PLAT:

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

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

- (a) Title, scale, north point and date on each sheet.
- (b) Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County.

- (c) The name(s) and address of the owner (s) and the name, address and profession of the person preparing the plat.
- (d) A key map showing the general location of the proposed subdivision in relation to surrounding lands.
- (e) All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a re-subdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Re-subdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat
- (f) A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- (g) The location of property lines, streets, easements including drainage district facilities and maintenance, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.
- (h) Existing and proposed zoning of the proposed subdivision and adjoining property. Zoning to proposed level must be completed before preliminary plat can be considered.
- (i) Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
- (j) The legal description of the area being platted.
- (k) The boundary of the area being platted, shown as a dark line, with approximate length of boundary lines and the approximate location of the property in reference to known section lines.
- (l) The layout, numbers and approximate dimensions of proposed lots.
- (m) The location, width and dimensions of all streets.
- (n) The proposed names for all streets in the area being platted. (refer to Section 6.06.k)
- (o) Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, drainage district facilities, electric utilities and other facilities.
- (p) Proposed easements showing locations, widths, purposes and limitations.
- (q) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purpose, or shown for such purposes in the Comprehensive Plan or to other adopted plans.
- (r) Any other pertinent information, as necessary.

7.06 PROCEDURES FOR REVIEW OF PRELIMINARY PLATS:

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

7.07 DURATION OF APPROVAL OF PRELIMINARY PLAT:

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

7.08 AUTHORIZATION TO INSTALL IMPROVEMENTS:

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

7.09 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS:

Before the Board of Supervisors will approve the final plat, any improvements to become the property of the County shall be constructed and accepted by formal resolution of the Board of Supervisors. Before passage of said resolution of acceptance, the County Engineer shall report that said improvements meet

all County specifications and ordinances or other County requirements, and the agreements between the subdivider and the County.

7.10 PERFORMANCE BOND PERMITTED:

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

7.11 REQUIREMENTS OF THE FINAL PLAT:

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

The final plat submitted to the Board of Supervisors shall be drawn at a scale of one-inch equals one hundred feet (1"=100') or larger. The final plat submitted to the Recorder shall be to the largest scale possible on an 11" x 17" sheet. Multiple sheet plats shall be avoided; however, if more than one sheet is necessary and approved by the County Recorder, each sheet shall show the number of the sheet and the total number of sheets included in the plat, and match lines indicating where other streets adjoin.

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

- (a) The name of the subdivision (as approved by County Auditor).
- (b) Name and address of the owner and subdivider.
- (c) Scale, and a graphic bar scale, north arrow and date on each sheet
- (d) All monuments to be of record, as required by Chapter 114A, Code of Iowa.
- (e) Sufficient survey data to positively describe the bounds of every lot, block, street easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
- (f) All distance, bearing curve and other survey data as set forth in Chapter 114A, Code of Iowa.
- (g) Street names and clear designation of public alleys.
- (h) Block and lot numbers.
- (i) Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- (j) The location of any easement shall be clearly shown and the purpose shall be clearly stated and shall be confined to only those easements pertaining to public utilities, ingress and egress, and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- (k) No interior excepted parcels will be allowed.

- (l) A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use as determined by the Board of Supervisors.
- (m) Legal description.
- (n) The minimum unadjusted accepted error of closure for all subdivision boundaries shall be 1: 10,000 and shall be 1: 5,000 for any individual lot.
- (o) A statement by a licensed land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa licensed number or seal; and a sealed certification of the accuracy of the plat by the licensed land surveyor who drew the plat.

7.12 ATTACHMENTS TO THE FINAL PLAT:

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

- (a) A certificate by the owner and his or her spouse or such other affiliate, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse or such affiliate. This certificate must be signed and acknowledged by the owner and spouse or such affiliate before some officer authorized to take the acknowledgements of deeds.
- (b) An attorney's opinion showing that the fee title to the subdivision is free from encumbrance other than those secured by an encumbrance bond.
- (c) A certificate from the County Treasurer that the subdivision land is free from unpaid taxes.
- (d) The encumbrance bond, if any.
- (e) A statement of restrictions of all types that run with the land and become covenants in the deed of lots.
- (f) A certificate by the County Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, "as built" plans for all improvements to become property of the County shall have been provided to the County Engineer. In lieu thereof, the County Auditor may certify that a bond has been posted guaranteeing completion has been approved by the County Auditor and filed with the County Auditor.
- (g) Where any improvements are to become the Property of the County by resolution accepting and approving such improvements, along with the maintenance bond required by this ordinance.
- (h) A resolution and certificate for approval by the Board of Supervisors, and the signature of the Chairperson. If the subdivision is located within two miles of an incorporated area, a resolution of said City Council approving subdivision or a letter from The City subdivision review staff declining to review said subdivision.
- (i) The applicable fee, if any.

7.13 PROCEDURES FOR THE REVIEW OF FINAL PLATS:

- (a) The Plat Officer shall provide copies of the plat to the County Engineer and such other persons as necessary to review the plat; and shall schedule that plat for review by the Board of Supervisors. The Plat Officer shall maintain one copy for public inspection.
- (b) The Plat Officer and the County Engineer shall examine the plat as to its compliance with the ordinances and standards of Boone County, and its conformance with the preliminary plat, and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.
- (c) If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Board of Supervisors for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Zoning Commission for further review and resubmitted. The Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors within forty-five (45) days of the filing of the plat with the Plat Officer. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefore shall be set forth in writing and a copy of the recommendation shall be provided to the subdivider.
- (d) Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the Zoning Ordinance, the Comprehensive Plan, standards of Boone County and other duly adopted plans, all as of the date of approval of the Preliminary Plat, and is found to substantially conform to the preliminary plat, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat.
- (e) Action on the final plat by the Board of Supervisors shall be taken within sixty (60) days of the date of filing of the plat with the Plat Officer. However, if any portion of the land to be subdivided lies within two (2) miles of any municipality within Boone County that has subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Board of Supervisors shall defer final action on the plat until the municipality has taken action. If the action is to disapprove the plat, the reasons thereof shall be set forth in the official records of the Board of Supervisors and such decisions shall be provided to the subdivider. The final plat shall not be recorded, nor shall any lots be sold or transferred until final approval is granted by both the required regulating municipality and the Board of Supervisors.

Article VIII. OTHER PROVISIONS

8.01 VARIANCES:

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

8.02 SEVERABILITY CLAUSE:

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

8.03 CHANGES AND AMENDMENTS:

This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board of Supervisors, provided; however, that such changes or amendments shall not become effective until after a public hearing has been held following due public notice in accordance with the Code of Iowa.

8.04 ORDINANCE NOT TO LIMIT OTHER ORDINANCES:

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

8.05 EFFECTIVE DATE:

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

Summary Published on December 29, 2000
Date Officially Published

Passed, adopted and approved by the Board of Supervisors, Boone County, Iowa
This eleventh day of December in the Year Two Thousand

David W. Reed
Boone County Board of Supervisors Chairperson, David W. Reed

Philippe Meier by Heidi Kokenellus
Attest: *Heidi Kokenellus*
Philippe Meier, Boone County Auditor

