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WINNEBAGO COUNTY RECORDER

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JOANN EARTLESON
RECORDER

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ORDINANCE NO. 25

AN ORDINANCE REGULATING THE SUBDIVISION OF
LAND PRESCRIBING STANDARDS FOR
SUBDIVISIONS AND FOR THE IMPROVEMENT
THEREOF. PRESCRIBING PROCEDURES FOR THE
REVIEW OF PROPOSED SUBDIVISION PLATS

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

SUBDIVISIONS

Section 1	General Provisions
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SECTION 1. General Provisions.

1. Short Title.

This ordinance shall be known as the "Subdivision Ordinance" of Winnebago County, Iowa.

2. Purpose.

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

3. Application.

Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into two (2) or more parts, any part of which is less than twenty (20) acres for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the County, shall cause plats of such areas to be made in the form, and containing the information, as hereinafter set forth before selling or offering for sale any lots therein contained or placing the plat on record.

4. Recording of Plat.

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

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

5. Fees Established.

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

6. Penalties.

Any person who shall dispose of or offer for sale any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the Governing Body, and recorded as required by law, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than one hundred dollars (\$100) or by imprisonment of not more than thirty (30) days. Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

7. Building Permit to be Denied.

No building permit shall be issued for construction on any lot, parcel or tract where

a subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been installed.

SECTION 2. Definitions. For the purposes of this ordinance, certain words herein shall be defined as, and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Alley" shall mean public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
2. "Block" shall mean an area of land within a subdivision that is entirely bounded by streets, railroad right-of-ways, rivers, tracts of public land or the boundary of the subdivision.
3. "County Engineer" shall mean the professional engineer registered with the State of Iowa designated as County Engineer by the Governing Body.
4. "Comprehensive Plan" shall mean the general plan for the development of the County, which may be titled master plan, general plan, comprehensive plan or some other title, which plan has been adopted by the Governing Body. Such Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
5. "Cul-de-sac" shall mean a street having one end connected to another street, and the other end terminated by a vehicular turn-around.
6. "Easement" shall mean an authorization by a property owner for another to use a designated part of his property for a specified purpose.
7. "Flood hazard area" shall mean any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Natural Resources Council or the Federal Insurance Administration.
8. "Floodway" shall mean 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.
9. "Governing Body" shall mean the Board of Supervisors of Winnebago County, Iowa.
10. "Improvements" shall mean changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks.

walkways, water mains, sewers, drainage ways and other public works and appurtenances.

11. "Lot" shall mean a portion of a subdivision or other parcel or tract intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
12. "Corner lot" shall mean a lot situated at the intersection of two streets.
13. "Double frontage lot" shall mean any lot which is not a corner lot which abuts two streets.
14. "Owner" shall mean the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
15. "Planning Commission" shall mean the appointed commission designated by the Governing Body for the purposes of this ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.
16. "Plat" shall mean a map, drawing or chart on which a subdivider's plan for the subdivision of land is presented, which he submits for approval and intends, in final form, to record.
17. "Plats Officer" shall mean the individual assigned the duty to administer this ordinance by the Governing Body or other appointing authority.
18. "Resubdivision" shall mean 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.
19. "Street" shall mean public property, not an alley, intended for vehicular circulation. In appropriate context the term street may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
20. "Major street" shall mean an arterial street or other street which has or is planned to have continuity to carry traffic from one section of the County to another.
21. "Subdivider" shall mean the owner of property being subdivided, or such other person or entity empowered to act on the owner's behalf.
22. "Subdivision" shall mean the division of land into two (2) or more parts, for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to the process of

subdividing or to the land subdivided. However, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots where such sale or exchange does not create any additional lots, and where the land sold or exchanged constitutes less than fifty percent (50%) of the area of the enlarged lot after such transfer, or where no parcel of less than twenty (20) acres is created, shall not be considered a subdivision.

23. "Utilities" shall mean systems for the distribution or collection of water, gas, electricity, wastewater and storm water.

SECTION 3. Improvements.

1. **Improvements Required.**

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

2. **Inspection.**

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

3. **Minimum Improvements.**

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

- A. **Streets:** The subdivider of the land being subdivided shall provide the grading of the entire street right-of-way, alley or public place, and provide appropriate paving on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the County.

Private streets, not dedicated to the County, may be approved by the Board of Supervisors where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the County will not be required to assume any maintenance or other responsibility for such street.

The County may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to meet street requirements of both the platted area and other areas. In such event, the County shall pay the

subdivider the difference in cost of improving the wider street and the street of a width adequate to meet the needs of the platted area alone. The streets, upon final approval and acceptance by the County, shall become the property of the County.

- B. **Sanitary Sewer System:** The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. Where connection to a central sewer system, or construction of a central sewage collection and treatment system cannot reasonably be accomplished, septic systems approved by the County Health Officer may be allowed.

The County may require, as a condition for approval of the plat, installation of a sanitary sewer system that is larger than necessary to meet the needs of the platted area, but necessary to meet the sanitary sewer requirements of both the platted area and other areas. In such event, the County shall pay the subdivider the difference in cost of the pipe, appurtenances and installation of the larger sewer and the sewer of a size adequate to meet the needs of the platted area alone.

- C. **Storm Sewer System:** The subdivider of the land being platted shall install and construct a storm water drainage and/or storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas, so as to prevent undue runoff onto adjacent land. The subsurface tile system shall be constructed in accordance with standards and specifications of the County, at grades approved by the County Engineer.

The County may require, as a condition for approval of the plat, installation of a subsurface tile system that is larger than necessary to meet the needs of the platted area and other areas. In such event, the County shall pay the subdivider the difference in cost of pipe and installation of the larger tile and the tile of a size adequate to meet the needs of the platted area alone.

Where a subsurface tile outlet cannot reasonably be made, the County may waive this requirement if alternate facilities for ground water discharge are not available. However, if alternate facilities are available, they shall be designed to fully protect the public health, safety and welfare and shall meet all requirements of the State and County or other applicable health regulations.

- D. **Water System:** The subdivider of the land being platted shall make appropriate provision for a suitable water supply for each platted lot or parcel. Such water supply shall be appropriate for the character of development proposed. No subdivision shall be approved until and unless

the proposed system for providing water has been approved by the County Health Officer. Individual wells, if approved, may be installed by the subdivider or by a subsequent owner at the time development of the lot takes place.

The County may require, as a condition for approval of the plat, installation of a water main system that is larger than necessary to meet the needs of the platted area, but necessary to meet requirements of both the platted area and other areas. In such event, the County shall pay the subdivider the difference in cost of the pipe and installation of the larger main and the water main of a size adequate to meet the needs of the platted area alone.

- E. **Sidewalks/Walkways:** The subdivider of the land being platted shall be responsible for the installation of sidewalks/walkways to adequately serve the lots within the subdivision. Sidewalks/walkways shall be hard-surfaced and may be provided either as sidewalks constructed within the street right of way or walkways provided across privately owned land adequately guaranteeing public access and use. Sidewalks constructed on public property shall be so designed and constructed as to meet the standards of the County to insure pedestrian safety.

Sidewalks/walkways may only be waived by the Board of Supervisors upon Planning and Zoning Commission recommendation in residential subdivisions where all lots exceed twenty thousand (20,000) square feet in area and have a width of at least one hundred twenty feet (120').

In commercial subdivisions, sidewalks/walkways requirements may be waived by the Board of Supervisors at its discretion and upon the Planning and Zoning Commission's recommendation.

- F. **Grading and Monuments:** The subdivider shall grade all lots within the plat to conform to the proposed contours approved on the preliminary plat. Where grading is required, at least six inches (6") of topsoil coverage shall be retained on the lot which shall be stabilized by seeding or planting.

The property owner shall be responsible for any necessary adjustments in utility lines required because of changes in grading from the contours approved on the preliminary plat.

Monuments shall be placed at all lot and block corners as well as angle points on any property line and curve endpoints. All monuments shall be properly set according to Chapter 114A, Code of Iowa, by a registered land surveyor in the State of Iowa.

- G. **Other Improvements:** The subdivider of the land being platted shall be

responsible for the grading and seeding of all lots, and the installation of street signs and street lighting as required. All such improvements shall be subject to the approval of the County Engineer or utility company manager, as applicable.

4. 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 rear, and where necessary, along side, lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. No buildings or structures except as necessary for utilities shall be permitted on such easements.

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

5. Maintenance of Improvements.

Unless otherwise approved by the Governing Body, improvements required to be installed shall remain the property and the responsibility of the subdivider, or successors in 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 Governing Body.

SECTION 4. Standards.

1. Standard Prescribed.

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

2. Land Suitability.

No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be

harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the County.

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

3. Lands Subject to Flooding.

No subdivision containing land located in a floodway or a flood hazard area shall be approved by the County without the approval of the appropriate State agencies. 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 recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the County, providing for its care and maintenance by such owners.
- C. If acceptable to the County, dedicated to the County as public open space for recreation or flood control purposes.

4. Plat to Conform with Comprehensive Plan.

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

5. Construction Standards for Improvements.

In addition to the standards set forth in this ordinance, the County Engineer shall from time to time prepare, and the Governing Body 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.

6. Street Standards.

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

- A. Streets shall provide for the continuation of major streets from adjoining platted areas, and the extension of major streets into adjoining unplatted areas. Where a plat encompasses the location for a major street proposed in the Comprehensive Plan or County Road or Street Plan, the plat shall provide for such major 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. At intersections of major streets, and otherwise as necessary, lot corner abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices and other necessary improvements without encroachment onto the corner lots.

- J. Dead end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.
- K. Streets which connect with other streets, or loop streets, are preferable, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed five hundred (500) feet in length, unless a greater length is unavoidable.
- L. In general, alleys shall be prohibited in residential areas and required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred twenty feet (120').
- M. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision.

Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Governing Body, be made a requirement of the plat.

- N. Streets which are, or will become extensions of existing streets shall be given the same name as existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the Governing Body.

7. Block and Lot Standards.

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

- A. 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 land 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 thirty-five (35) feet measured as a straight line between the two front lot corners.

- E. Unless unavoidable, lots shall not front, or have direct access to arterial streets or county roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- F. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgement of the Governing Body, a variation to this provision will provide a better street and lot layout.
- G. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the Zoning Ordinance, oriented to either street.
- H. 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.

8. Parks and Open Space.

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

SECTION 5. Procedures.

1. Pre-Application Conference.

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

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

2. Sketch Plan Required.

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

3. Presentation to the Planning Commission or Governing Body.

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

4. Subdivision Classified.

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

A. Minor Subdivision: Any subdivision which contains not more than four (4) lots fronting on an existing street and does not require the construction of any public improvements, and which does not adversely affect the remainder of the parcel shall be classified as minor plat.

B. Major Subdivision: Any subdivision, which in the opinion of the Governing Body, does not for any reason meet the definition of a minor plat, shall be classified as a major subdivision.

5. Plat Required.

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

6. Requirements of the Preliminary Plat.

The subdivider shall prepare and file with the Plats Officer, ten (10) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets 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 which shall not duplicate or resemble existing subdivision names in the County.
- C. The name and address of the owner and the name, address and profession of the person preparing the plat.
- D. A key map showing the general location of the proposed subdivision in relation to surrounding lands.
- E. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- F. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plan.
- G. Existing and proposed zoning of the proposed subdivision and adjoining property.
- H. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater.
- I. The legal description of the area being platted.
- J. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
- K. The layout, numbers and approximate dimensions of proposed lots.
- L. The location, width and dimensions of all streets.
- M. The proposed names for all streets in the area being platted.
- N. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.
- O. Proposed easements showing location, width, purposes and limitations.

- P. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, or shown for such purposes in the Comprehensive Plan or other adopted plans.
 - Q. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat shall be attached.
 - R. Any other pertinent information as necessary.
 - S. The fee, as required by this ordinance.
7. Procedures for Review of Preliminary Plats.
- A. The Plats Officer shall provide copies of the plat to the County Engineer and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Planning Commission. The Plats 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 findings regarding the plat to the Planning Commission.
 - C. The Planning Commission shall examine the plat and the report of the County Engineer, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the County and conforms to the Comprehensive Plan and other duly adopted plans of the County. The Planning Commission shall, within forty-five (45) days of the filing of the plat with the Plats Officer, forward a report and recommendation regarding the plat to the Governing Body. If such recommendation is to disapprove or modify the plat, the reasons therefore shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
 - D. The Governing Body shall examine the plat, the report of the County Engineer, the report of the Planning Commission and such other information as it deems necessary or desirable. Upon such examination, the Governing Body shall ascertain whether the plat conforms to the ordinances and standards of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, in order to protect the public health and welfare. Following such examination, the Governing Body may approve, approve subject to conditions, or disapprove the plat. If the decision of the Governing Body is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the Governing Body, and such decisions shall be provided to the applicant.

Action on the preliminary plat by the Governing Body shall be taken within sixty (60) days of the filing of the plat with the Plats Officer, unless such time period is extended by agreement between the subdivider and the County. However, such time limitation notwithstanding, if any portion of the land to be subdivided lies within two (2) miles of any municipality within the County which has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Governing Body shall defer final action on the plat until action has been taken by the municipality.

8. Duration of Approval of Preliminary Plat.

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

9. Authorization to Install Improvements.

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

10. Completion and Acceptance of Improvements.

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

11. Performance Bond Permitted.

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

12. Requirement of Final Plat.

The subdivider shall, within one (1) year from the date of approval of the preliminary

plat, unless such time period as been extended, prepare and file with the Plats Officer, ten (10) copies of the final plat and required attachments, as set forth in this ordinance. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the Governing Body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8-1/2" x 11") and shall be of a size acceptable to the County Auditor, if more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall show the following:

- A. The name of the subdivision.
- B. Name and address of the owner and subdivider.
- C. Scale and graphic bar scale, north arrow and date on each sheet.
- D. All monuments to be of record, as required by Chapter 354, 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 354, Code of Iowa.
- G. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
- H. Street names and clear designation of public alleys.
- I. Block and lot numbers.
- J. Accurate dimensions for any property to be dedicated or reserved for public

use, and the purpose for which such property is dedicated or reserved for public use.

- K. The purpose of any easement shown on the plat shall be clearly stated and shall be continued to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- L. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat."
- M. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use as determined by the Governing Body.
- N. Legal description.
- O. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- P. A statement by a 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 license number or seal; and a sealed certification of the accuracy of the plat by the licensed land surveyor who drew the plat.

13. Attachments to the Final Plat.

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

- A. A certificate by the owner and his spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before the officer authorized to take the acknowledgments of deeds.
- B. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision is free from encumbrances other than those secured by an encumbrance bond.
- C. The encumbrance bond, if any.
- D. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- E. 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. In lieu thereof, the County Auditor may certify that a bond guaranteeing completion has been approved by the County Attorney and filed with the County Auditor.

- F. Where any improvements are to become the property of the County, a resolution accepting and approving such improvements, along with the maintenance bond required by this ordinance.
- G. A resolution and certificate for approval by the Governing Body, and the signature of the Chairperson.
- H. The applicable fee, if any.

14. Procedures for the Review of Final Plats.

- A. The Plats Officer shall provide copies of the plat to the County Engineer and such other persons as are necessary to review the plat; and shall schedule that plat for review by the Governing Body. The Plats Officer shall maintain one (1) copy of the plat for public inspection.
- B. The Plats Officer and the County Engineer shall examine the plat as to its compliance with the ordinances and standards of the County and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.
- C. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Governing Body for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning Commission for review prior to review by the Governing Body. The Planning Commission shall then review the plat and shall forward a written recommendation thereon to the Governing Body within forty-five (45) days of the filing of the plat with the Plats Officer. If the recommendation is to disapprove the plat, or to required 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 Governing Body shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and if found to substantially conform to the preliminary plat, the Governing Body shall approve the plat and shall cause its approval to be entered on the plat.

- E. Action on the final plat by the Governing Body shall be taken within sixty (60) days of the date of such filing of the plat with the Plats Officer, unless such time period is extended by agreement between the subdivider and the County. However, such time limitation notwithstanding, if any portion of the land to be subdivided lies within two (2) miles of any municipality within the County which has adopted subdivision regulations in accordance with the provisions of Chapter 409, Code of Iowa, the Governing Body shall defer final action on the plat until action has been taken by the municipality. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Governing Body and such decisions shall be provided to the subdivider.

SECTION 6. Other Provisions.

1. Variances.

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

2. Severability Clause.

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

3. Changes and Amendments.

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

4. Ordinance Not to Limit Other Ordinances.

Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any

provision of this ordinance conflicts with the provisions of any other ordinance, regulation or statute, the most restrictive shall apply.

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

Passed and approved this 16th day of September, 2003.

WINNEBAGO COUNTY, IOWA

Gorden Anderson

Chairman, Board of Supervisors

ATTEST:

Robert L. Paulsen

County Auditor

