

IOWA COUNTY ORDINANCE NO. 14

TITLE: AN ORDINANCE REGULATING THE DESIGN AND DEVELOPMENT OF NEW SUBDIVISIONS AND/OR RESUBDIVISIONS FOR IOWA COUNTY, IOWA.

SECTION 1. Purpose. The purpose of this ordinance is to establish minimum standards for the design, development, and improvement of all subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services, and to promote the health, safety, and general welfares of the citizens in Iowa County, Iowa.

SECTION 2. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

1. "Board" shall mean the Board of Supervisors of Iowa County, Iowa.
2. "Alley" shall mean a public thoroughfare which affords only a secondary means of access to abutting property.
3. "Auditor's Plat" means a subdivision plat required by either the county auditor or the county assessor, and prepared by survey under the direction of the county auditor.
4. "Easement" means an authorization by property owner for another use of a designated part of this property for a specified purpose.
5. "Flood Hazard Area" means any area subject to flooding by 1% probability of flood otherwise referred to as a 100 year flood, as designated by the Iowa Natural Resources Counsel or the Federal Insurance Administration. Improvements 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 and drainage ways.
6. "Lot" means a tract or line represented and identified by a number or letter designation on an official plat.
7. "Metes and Bounds Description" means a description of land that uses distances in angles, uses distances in bearings, or describes the boundaries of the property by reference to physical features of the land.
8. "Owner" means the legal entity owning title to the property being subdivided, or such other representative or agent as is fully empowered to act on its behalf.
9. "Plat" means a map, drawing, or chart on which the subdividers plan for the subdivision of land is presented to the Board of Supervisors for approval, and is intended, in its final form to be recorded.

10. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
11. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
12. "Subdivision" means the division of land into three or more parts for the purpose of transfer of ownership or building development.
13. "Subdivision Plat" means the recorded graphical representation of the subdivision of land as prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and its name or title that is unique for the county where the land is located.
14. "Surveyor" means registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.
15. "Tract" means an aliquot part of a section, a lot within and official plat or government lot.

SECTION 3. General Provisions.

1. Subdivision plat requirements: A subdivision plat shall be required when a tract of land is subdivided by the same owner by repeated divisions or simultaneous divisions into three or more parcels, any of which are described by a metes and bounds description for which no plat or survey is recorded. A subdivision plat is not required when land is subdivided by conveyance to a governmental agency for public improvements.
2. Recording of Plat: No subdivision plat or resubdivision plat shall be filed for record with the county recorder, or recorded by the county recorder until a plat of survey of such subdivision or resubdivision has been reviewed and approved in accordance with the provisions of this ordinance. Upon the approval of the plat by the Board of Supervisors, it shall be the duty of the subdivider to immediately record such a plat with the county recorder, and an exact copy of the plat shall be filed in the office of the county auditor and county assessor with all attachments appended thereto. Approval of the final plat by the Board of Supervisors shall be void if the plat and its proceedings are not recorded by the owner in the office of the county recorder within 120 days after date of approval, unless, within that time, and extension based upon unusual circumstances is granted by the Board of Supervisors.
3. Fee Established: The Board of Supervisors 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 Board of Supervisors unless and until said plat is accompanied by the fee as

established by resolution of the Board of Supervisors and as required by this ordinance.

4. Building Prohibited: No building shall commence on any lot, nor shall any structure be moved onto 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.
5. Appeal of disapproval or Denial by Board of Supervisors: Any appeal of the Board of Supervisors' decision shall be appealed to the District Court of Iowa County within twenty (20) days after the date of the denial of the application of the date of the receipt by applicant of the requirements for approval of the subdivision. Notice of appeal shall be served on the governing body in the manner provided for the service of original notice pursuant to the Iowa Rules of Civil Procedure.

SECTION 4: Improvements:

1. Improvements Required: The subdivider shall , at his or her expense, install and construct any improvement 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.
2. Inspection: All improvements shall be inspected in ensure compliance with the requirements of the preliminary plat. The cost of such inspection shall be paid by the subdivider.
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 land being subdivided shall be responsible for the construction of all streets. Unless all streets shall be constructed so as to meet the standards of the County, streets and roads shall not become part of the county road system. Pursuant to Iowa Code Section 306.21, all road plans, plats, field notes and accurate diagrams of utilities for said subdivision shall be submitted to the Iowa County Engineer. The Engineer shall ensure that minimum specifications are met for roadways proposed for inclusion in the Iowa County road system or understood for those proposed for consideration in the future.
 - b. Sanitary Sewer System: Adequate provision for the disposal of sanitary sewage from the platted area shall be provided with due regard being given to present or reasonable foreseeable needs. The sewage disposal system shall meet the requirements of Iowa

County Home Rule Ordinance No. 23 dealing with on-sit wastewater treatment disposal systems.

- c. Water System: The developer shall make appropriate provision for a suitable water supply for each platted lot. Water systems shall comply with Iowa County Ordinance No. 23 dealing with well permits.
 - d. Drainage and Erosion Requirements: No subdivision containing land located in a floodway or a flood hazard area shall be approved by the Board. No lot shall be located so as to include the land located with any floodway or flood hazard area unless the lot is of such size and shape that it will contain a building area not within the floodway or flood hazard area. The Natural Resources Conservation Service (NRCS) shall be requested to perform a site review and evaluation of the impacts of the subdivision. NRCS will comment on drainage, seeding plans, erosion control and suitability of soils.
4. All fencing shall be the responsibility of the subdivider and purchasers obtaining property from the subdivider. The county assumes no responsibility for fencing between the subdivision and property outside the subdivision or between the lots in the subdivision.

SECTION 5. Procedures and Submission Requirements for Plats

- 1. The plat of survey shall show the following as set forth in Chapters 354 and 355 of the Iowa Code:
 - a. The name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.
 - b. Name and address of the owner and subdivider.
 - c. Scale, graphic bar scale, north arrow and date of each sheet.
 - d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.
 - e. Sufficient survey data to positively describe the boundaries 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.
 - 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 previously recorded

subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

- h. Street names and clear designation of public alleys.
- i. Block and lot numbers
- j. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- k. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities, including: gas, power, telephone, cable television, water and sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- l. All interior excepted parcels, clearly indicated and labeled “not part of this plat.”
- m. Legal description.
- n. The minimum unadjusted accepted error of closure for all subdivision boundaries, which shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- o. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor’s direct personal supervision, signed and dated by the surveyor and bearing the surveyor’s Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
- p. Each lot shall include an area not to be in the amount of less than one acre, unless the lot has access to, or will be connected to, a public sewer system as defined in Chapter 69 of the Iowa Administrative Code.

SECTION 6. Attachments to Plat.

1. The following shall be attached to an accompany any subdivision plat:

- a. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse.
- b. An attorney's opinion showing that the fee title to the subdivision is free from encumbrances other than those secured by an encumbrance bond or which subdivision application is joined in by the encumbrance holder.
- c. A certificate from the County Treasurer that the subdivision land is free from unpaid taxes and unpaid special assessments.
- d. A copy of any existing encumbrance bonds.
- e. A statement of restrictions that run with the land and become covenants in the deeds of lots.
- f. Where any improvements are to become the property of the County, a resolution accepting and approving such improvements.
- g. A resolution and certificate for approval by the Board of Supervisors.
- h. The application fee as set by the Board.
- i. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgement of deeds. When a mortgage or lien owner consents to the subdivision, a release of the mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.
- j. An executed Groundwater Hazard Statement.

SECTION 7. Procedure for Review of Plat.

- a. Six copies of the plat shall be filed in the office of the Iowa County Auditor and said plat shall be scheduled for review by the Board of Supervisors within sixty (60) days after filing with the Iowa County Auditor.
- b. Said plat shall be reviewed by the Iowa County Engineer, Iowa County Attorney, Iowa County Auditor, Iowa County Recorder, Iowa County Assessor, Iowa County Environmental Director, and Iowa County Natural Resources Conservation Service.

- c. If said plat complies with the requirements of this ordinance, the Board shall approve the plat and cause its approval to be entered on the plat. The Board shall also adopt and pass a resolution accepting said plat. Passage of a resolution by the Board accepting the plat shall constitute final approval of the plat of the area shown. The subdivider shall cause a certified copy of the approved plat to be recorded in the office of the Iowa County Recorder before Iowa County will recognize the plat as being in full force and effect.
- d. If the plat is disapproved by the Board, the reasons for such disapproval shall be conveyed in writing to the subdivider.

SECTION 8. Penalties.

Any person who shall transfer or sell any lot or lots within the area of jurisdiction of the ordinance before the plat thereof has been approved by the Board of Supervisors, and recorded as required by law, shall forfeit and pay one hundred dollars (\$100.00) for each lot or part of lot transferred or sold. In addition, any violations of this section shall be a County infraction which is punishable by Civil penalty of not less than \$100 for each violation, or if the infraction is a repeat offense, a civil penalty not exceeding \$200 for each repeat offense.

SECTION 9. 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.

SECTION 10. Changes and Amendments.

This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board.

SECTION 11. When Effective.

This ordinance shall be in effect after its final passage, approval, and publication as provided by Law.

Effective Date: August 1, 1996

Amended: July 11, 2003