

SHELBY COUNTY

SUBDIVISION ORDINANCE

**SHELBY COUNTY ORDINANCE NO. 2004-2
SHELBY COUNTY SUB-DIVISION ORDINANCE**

ORIGINAL ORDINANCE NO. (PART OF) 1973-1

AMENDMENT - ORDINANCE NO. 1991-3

AMENDMENT – ORDINANCE NO. 1992-2

AMENDMENT – ORDINANCE NO. 1995-2

AMENDMENT – ORDINANCE NO. 1997-1

AMENDMENT – ORDINANCE NO. 2001-1

**AN ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN THE
UNINCORPORATED AREA OF SHELBY COUNTY, 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.**

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

ARTICLE I: GENERAL PROVISIONS

1.01 **Short Title:** This ordinance shall be known as the "Subdivision Regulations" of Shelby County, Iowa.

1.02 **Purpose:** The purpose of this ordinance is to provide for the balance between the review and regulatory authority of governmental agencies concerned with the subdivision of land and the rights of landowners. Further, this ordinance provides minimum standards for the design, development, and improvement of all new subdivisions and re-subdivisions of land, so that existing land uses will be protected, and so that growth occurs in an orderly manner, consistent with planned expansion of public services and utilities, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of Shelby County, Iowa.

1.03 **Application:** Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the County, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling or offering for sale any lots therein contained or placing the plat on record.

1.04 **Recording of Plat:** No subdivision plat, re-subdivision plat or street dedication within Shelby County, Iowa shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the provision of this ordinance. Upon the approval of the final plat by the Governing Body, it shall be the duty of the sub-divider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded, and evidence thereof filed with the Governing Body within such thirty (30) days.

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

1.06 **Penalties:** Any person who shall dispose of, or offer for sale, any lot or lots within the area of jurisdiction of this ordinance, until the plat thereof has been approved by the Governing Body, as required by law, shall forfeit and pay fifty dollars (\$50.00) 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.

1.07 **Zoning Certificate/Occupancy Permit to be Denied:** No Zoning Certificate/Occupancy 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.

1.08 **RESERVED**

1.09 **Access to Public Roads:** Access to the Secondary Road system shall be limited to two (2) per tract. 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 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:

a. Administrator: The term "Administrator" shall mean the Zoning Administrator assigned the duty to administer this ordinance by the Governing Body or other appointing authority.

b. Alley: The term "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.

c. Auditor's Plat: The term "Auditor's Plat" shall mean a subdivision plat required by the auditor and prepared by a surveyor under the direction of the auditor.

d. Block: The term "block" shall mean an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

e. Comprehensive Plan: The term "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.

f. Commission: The term "Commission" shall mean the Planning and Zoning Commission appointed 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.

g. County Engineer: The term "County Engineer" shall mean the professional engineer registered in the State of Iowa designated as County Engineer by the Governing Body.

h. Cul-de-Sac: The term "cul-de-sac" shall mean a street having one end connecting to another street, and the other end terminated by a vehicular turn around.

i. Division: The term "division" shall mean a tract or parcel of land divided into two parcels of land by conveyance or for tax purposes. The Conveyance of an easement, other than a public highway easement, shall not be considered a division for the purposes of these regulations.

j. Easement: The term "easement" shall mean an authorization by a property owner for another to use a designed part of his property for a specified purpose.

k. Flood Hazard Area: The term "flood hazard area" shall mean any subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designed by the Federal Insurance Rate Map.

l. Floodway: The term "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 (1) foot.

m. Governing Body and County: The term "Governing Body and County" shall mean the Board of Supervisors of Shelby County, Iowa.

n. Improvements: The term "improvements" shall mean changes to land necessary to prepare it for building sites including but not limited to grading, filing, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainage ways, and other public works and appurtenances.

o. Lot: The term "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 designated on an official plat.

p. Lot, Corner: The term "corner lot" shall mean a lot situated at the intersection of two streets.

q. Lot, Double Frontage: The term "double frontage lot" shall mean any lot that is not a corner lot which abuts two streets.

r. Owner: The term "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.

s. Plat: The term "plat" shall mean a map, drawing, or chart on which a sub-divider's plan for the subdivision of land is presented, which he submits for approval and intends, in final form, to record. Such plat shall conform to all of these regulations and the standards and procedures for land surveying in accordance with Chapter 355 of the Iowa Code.

t. Re-subdivision: The term "re-subdivision" shall mean 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.

u. Street: The term "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.

u.1 Hard Surfaced Street: A street which has a full depth surfacing consisting of 8" concrete or asphalt with a structural capacity equivalency of concrete, constructed in accordance with AASHTO Local Urban Streets.

v. Street, Major: The term "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.

w. Sub-divider: The term "sub-divider" shall mean the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

x. Subdivision: The term "subdivision" shall mean the division of land for the purpose, whether immediate or future, of for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to 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 (50) percent of the area of the enlarged lot after such transfer, shall not be considered a subdivision.

y. Tract: Any aliquot, 40 acre portion of a section, a lot within an official plat or a government lot.

z. Utilities: The term "utilities" shall mean systems for the distribution or collection of water, gas, electricity, telecommunications, wastewater and storm water.

aa. Dwelling Group: As defined in the Shelby County Zoning Ordinance.

ARTICLE III: IMPROVEMENTS

3.01 Improvements Required: The sub-divider 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.

3.02 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, and shall be the actual cost of the inspection to the County.

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

a. Streets: The sub-divider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving on all streets prior to application to County for inclusion into the Secondary Road system.

b. Sanitary Sewer System: The sub-divider 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 the construction of a central sewage collection and treatment system cannot reasonably be accomplished, septic systems may be allowed. No subdivision to be served by septic systems shall be approved until and unless percolation tests have been performed and the results of such tests have been provided to and reported on by the County Environmentalist. Such septic systems, if approved, may be installed by the sub-divider, or by a subsequent owner at the time development of a lot takes place.

c. Storm Sewer System: The sub-divider of 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.

d. Water System: The sub-divider of land being platted shall make appropriate provision for a suitable water supply for each platted lot or parcel. Such water supply shall be appropriate for the character of development proposed. No subdivision shall be approved until and unless the proposed system for providing water has been approved by the County Environmentalist. 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.

e. Other Improvements: The sub-divider of the land being platted shall be responsible for and the Supervisors may require improvements to prevent erosion; protection of native trees or other conservation measures; installation of sidewalks and walkways necessary to secure pedestrian safety; grading and seeding or sodding of all lots; the planting of any required trees; and the installation of street signs and street lighting as required; and such off-site improvements as may be warranted by the impact of development of the proposed subdivision.

3.04 Easements Required:

a. Utility Easements: Where required for the placement of present or future utilities, easements of not less than ten 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 sub-divider 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.

3.05 Maintenance of Improvements: Improvements required to be installed shall remain the property and the responsibility of the sub-divider, 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 Supervisors.

ARTICLE IV: MINIMUM STANDARDS FOR THE DESIGN OF SUBDIVISIONS

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

4.02 Land Suitability: No land shall be subdivided 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 Supervisors shall state its reasons in writing and afford the sub-divider an opportunity to present data regarding such unsuitability. Thereafter, the Governing Body may reaffirm, modify, or withdraw its determination regarding such unsuitability.

4.03 Lands Subject to Flooding: No subdivision containing land located in a floodway or a flood hazard area shall be approved by the County without the approval of the Iowa Department of Natural Resources. 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 build-able 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 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, which 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.

4.04 Plat to Conform to Comprehensive Plan: The arrangement, character, extent, width, grade and location of all streets; and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the County, provided such plan has been adopted by the County; and shall conform to such other plans, including but not limited to a county road or street plan, a sanitary sewer system plan, a water system plan, or a parks and open space plan, provided such plan has been adopted by the County.

4.05 Construction Standards for Improvements: Upon adoption by the Governing Body by resolution, technical standards for public improvements shall have force and effect as if they were fully set forth herein.

a. Subdivision Severe weather shelter required: All subdivisions with five or more manufactured homes shall be required to construct a “tornado safe above ground shelter”, or an underground shelter with enough capacity to house the total number of residents living in the subdivision on a “daily basis. The shelter may be used for other purposes as long as it is avail able during severe weather and the usable area is not reduced below the capacity to house the total number of residents present on a “daily” basis.

4.06 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 un-platted 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 specified in the Comprehensive Plan, or other adopted plan or standards.
- e. Half-streets are prohibited, except, where an existing platted half-street to complete the street shall be required.
- f. Minor streets should be designed to discourage through traffic which safely connect to major streets or roads.
- g. Street jogs with centerline offsets of less than one hundred twenty five 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 corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
- j. Dead end streets are prohibited, except where a street is planned to continue past the sub-divider'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 (100) feet.

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 re-subdivision with provision for adequate utility connections for such re-subdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Supervisors, be made a requirement of the plat.

n. Streets that are, or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. Street names and street numbering shall be in conformance with the Shelby County Rural Addressing System.

4.07 Block and Lot Standards: The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all 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 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 and setbacks adequate to provide for the use intended, and to meet the requirements for such uses contained in the zoning ordinance.

e. Reserved.

f. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where 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. Reserved frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

4.08 Parks Open Space and Conservation Areas: All residential subdivisions should be so designed, as to meet the neighborhood park and open space needs of its residents. Furthermore, areas of unique environmental or recreational potential should be controlled to maximize public benefits and enjoyment. Such needs may be met by dedication and acceptance of public park land, and/or by reservation by covenant of private space, provided, there shall exist sufficient covenants, running with the land, to insure adequate maintenance by the property owners benefiting from such open space.

4.09 Parks and School Sites Reserved: When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the County, the sub-divider shall indicate such areas on the plat.

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

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

ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

5.01 Pre-Application Conference: Whenever a subdivision located in the County is proposed, the owner and sub-divider shall schedule a pre-application conference with the administrator. The conference should be attended by the administrator and such other County or Utility representatives as it deemed desirable; and by the owner and his engineer or the planner, as deemed desirable. If any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County, the administrator shall notify the 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 sub-divider with the requirements, procedures, and special problems relating to the proposed subdivision and to apply for any necessary zoning district changes.

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

5.03 Presentation to Planning Commission or Governing Body: The sub-divider may present the sketch plan to the Planning and Zoning Commission and Governing Body for review, prior to incurring significant costs preparing the preliminary or final plat.

5.04 Subdivision Classified: Any proposed subdivision or re-subdivision shall be classified as a minor subdivision or a major subdivision:

a. Minor Subdivision: Any subdivision of a tract of land which is not for the purpose of a Dwelling Group, which does not require the construction of any public improvements, and which does not adversely effect the remainder of the parcel shall be classified as a minor subdivision.

b. Major Subdivision: Any tract of land that is subdivided for the purpose of a Dwelling Group, and regardless of ownership of any of the lots, shall be considered a major subdivision and will require plats as herein set forth.

5.05 Plats Required: In order to secure approval of any proposed subdivision, the owner and sub-divider shall submit to the County, plats and other information as required by this ordinance. The owner and sub-divider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and sub-divider of a minor subdivision shall submit to the County a Plat of Survey whenever such division requires a description to include bearing and distance measurements. Parcel descriptions shall denote no less than 1/4 1/4 1/4 section without plats of survey. (See also 2.01.x)

5.06 Requirements of the Preliminary Plat: The sub-divider shall prepare and file with the administrator, five(5) 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-two inches by thirty-four inches (22"x34"). 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 adjoining parcels of un-platted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- f. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.
- g. Existing and proposed zoning of the proposed subdivision and adjoining property.
- h. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) per cent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) per cent 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 appropriate 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 and proposed driveways.
- m. The proposed names for all streets in the area being platted.
- n. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities.
- o. Proposed easements showing locations, widths, purposes and limitations.
- p. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose 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 requested by the administrator.
- s. The fee, as required by this ordinance.

5.07 Procedures for Review of Preliminary Plats:

a. The administrator shall provide copies of the plat to the County Engineer, and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Planning and Zoning Commission. The administrator 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 and Zoning Commission.

c. The Planning and Zoning 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 Comprehensive Plan and other duly adopted plans of the County. The Planning and Zoning Commission shall, within forty-five (45) days of the filing of the plat with the administrator, forward a report and recommendation regarding the plat to the Supervisors. If such recommendation is to disapprove or modify the plat, the reasons therefore shall be provided to the applicant.

d. The Supervisors shall examine the plat, the report of the County Engineer, the report of the Planning and Zoning Commission, and such other information as it deems necessary or desirable. Upon such examination, the 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 the public health, and welfare. Following such examination, the Supervisors may approve, approve subject to conditions, or disapprove the plat. If the decision of the 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 Supervisors and such decisions shall be provided to the applicant. Action on the preliminary plat by the Supervisors shall be taken within sixty (60) days of the filing of the plat with the administrator, unless such time period is extended by agreement between the sub-divider 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 Supervisors shall defer final action on the plat until action has been taken by the Municipality.

5.08 Duration of Approval of Preliminary Plat: The approval of a preliminary plat by the Supervisors 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 sub-divider 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 Supervisors.

5.09 Authorization to Install Improvements: The approval of the preliminary plat shall constitute authorization by the Supervisors 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.

5.10 Completion and Acceptance of Improvements: Before the 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 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 sub-divider and the County.

5.11 Performance Bond Permitted: In Lieu of the requirement that improvements be completed prior to the approval of a final plat, the sub-divider may post a performance bond with the County, guaranteeing that improvements not completed, shall be completed within a period of one (1) year from the date of approval of such final plat.

5.12 Requirement of the Final Plat: The sub-divider shall, within one year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Administrator five (5) 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 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 shall be drawn at a scale of one inch equals one hundred (1"-100') or larger. Sheet size shall be no greater than eighteen inches by twenty four inches (18"x24") nor smaller than eight and one half inches by eleven inches (8 1/2"x11") 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 be clearly marked "Final Plat" and shall show the following:

- a. The name of the subdivision.
- b. Name and address of the owner and sub-divider.
- c. Scale, and a graphic bar scale, north arrow and date on each sheet.
- d. All monuments to be of record, as required by the **Code of Iowa**.
- e. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other areas show 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 the **Code of Iowa**.
- g. All adjoining properties shall be identified, and where such adjoining properties area a part of a recorded subdivision, the name of the 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.

- h. Street names and clear designation of public alleys.
- i. Block and lot numbers.
- j. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- k. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; 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 sub-divider unless the land is a sufficient size and shape to be of some practical use as determined by the Supervisors.
- 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 registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

5.13 Attachments to the Final Plat: The following shall be attached to and accompany any final plat:

- a. All attachments as specified in the **Code of Iowa** shall be attached and accompany any final plat.
- b. 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.
- c. On a form prescribed by the EMA director, such certification from all Township Trustees and district fire chiefs involved in the subdivision stating that adequate fire/rescue protection will be available.

5.14 Procedures for the Review of Final Plats:

- a. The administrator 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 Supervisors. The administrator shall maintain one copy for public inspection.
- b. The administrator 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 sub-divider.
- c. If the plat is found to substantially conform to the preliminary plat is approved, the final plat shall be forwarded to the Supervisors for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning and Zoning Commission for review prior to review by the Supervisors. The Planning and Zoning Commission shall then Review the plat and shall forward a written recommendation thereon to the Supervisors within forty-five (45) days of the filing of the plat with the administrator. 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 sub-divider.
- d. Upon receipt of the plat and written reports there-on, the Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the Preliminary Plat; and is found to substantially conform to the preliminary plat, the Supervisors shall approve the plat, and shall cause its approval to be entered on the plat.
- e. Action on the final plat, by the Supervisors shall be taken within sixty (60) days of the date of filing of the plat with the administrator, unless such time period is extended by agreement between the sub-divider 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, the Supervisors 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 Supervisors and such decisions shall be provided to the sub-divider.

Article VI: OTHER PROVISIONS

6.01 Variances: Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the sub-divider, because of unusual topography or other conditions, the Supervisors 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 Supervisors may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

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

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

6.04 **Ordinance Not to Limit Other Ordinances:** Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

6.05 **When Effective:** This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and adopted this 6th day of July, 2004.

SHELBY COUNTY BOARD OF SUPERVISORS

Roger Schmitz
Chairman

Richard Ferry

Gayle Petersen

ATTEST:

Marsha J. Carter
Shelby County Auditor

STATE OF IOWA

ss:

COUNTY OF SHELBY

On this 6th day of July, 2004, before me, the undersigned, a notary public in and for said County and State, personally appeared Roger Schmitz, Gayle Petersen, Richard Ferry, and Marsha J. Carter, to me personally known, who being by me duly sworn, did say that they are the Chairman and Members of the Board of Supervisors and Clerk to the Board of Supervisors and County Auditor respectively, for said County; that the seal affixed thereto is the seal of said County; that said instrument was signed and sealed on behalf of said

County by authority of its Board of Supervisors and that said Roger Schmitz, Gayle Petersen, Richard Ferry, and Marsha J. Carter as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said County by it and by them voluntarily executed.

Notary Public