

A RESOLUTION prescribing minimum requirements for the design and development of new subdivisions and re-subdivisions of land in the unincorporated area of Henry County; providing for the enforcement of these regulations; and for the repeal of all other ordinances or resolutions in conflict herewith.

ARTICLE I

Section 1. **SHORT TITLE.** This resolution may be known and cited as the “Subdivision Regulations” for Henry County, Iowa.

ARTICLE II

Section 1. **DEFINITIONS.** For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word “shall” is a mandatory, the word “may” is permissive.

Auditor’s Plat: A plat prepared at the request of the County Auditor to clarify property descriptions for the purpose of assessment and taxation.

Board: The Henry County Board of Supervisors.

Building Line: A line on a plat between which line and public right-of-way line no buildings or structures may be erected.

Cul-de-sac: A dead-end street permanently closed to through traffic being terminated by vehicular turn-around.

Easement: A right-of-way granted for the purpose of limited private, public and quasi-public uses across private land.

Health Department: Refers to the Board of Health for Henry County, established pursuant to Chapter 137, Code of Iowa, their published approved rules and regulations and as they apply to sub-division development.

Local Residential Street: A local service street used primarily for access to abutting property.

Lot: A portion of a subdivision or other plot or parcel of land which is, or in the future, may be, offered for sale, conveyance, transfer or improvement.

Proprietor’s Plat: A plat as defined herein submitted by the owner of the land being platted, or his agent, or other private entity, acting with the consent of the owner.

Resubdivision/Replat: Any subdivision of land which has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land. Resubdivision / replats shall follow the same

procedure as set forth for a, minor or major subdivision, whichever may be applicable.
(Amendment/ January 24, 2005)

Sketch plat: A freehand sketch drawing which depicts the proposed division of a tract of land, which meets the requirements of this Ordinance.
(Amendment/ January 24, 2005)

Street: The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term “street” shall include avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation.

1. **ARTERIAL STREET**: Any street serving major traffic movements which is designed primarily as a traffic carrier between cities and towns or between various sections of the County, which forms part of a network of through streets, or which provides service and access to abutting properties only as a secondary function.
2. **COLLECTOR STREET**: Any street designed primarily to gather traffic from local streets and carry it to the arterial system.
3. **COUNTY ROAD**: Any street, other than a highway, which is not located within a platted subdivision approved by the County.
4. **CUL-DE-SAC**: A street having one end connection with a public street and being terminated at its other by a vehicular turn-around.
5. **DEAD-END STREET**: A local street having only one (1) outlet connecting to another street.
6. **HIGHWAY**: An officially designated federal or state numbered highway, or other major street or road designated by the County as a thoroughfare.
7. **LOCAL STREET**: A street designed primarily to provide access to abutting properties and to discourage through traffic.
8. **MARGINAL ACCESS STREET**: A local street which is parallel with an adjacent highway or arterial street and which provides access to abutting properties and provides protection from fast, through traffic on the highway or arterial street.
9. **PRIVATE STREET**: All land between right-of-way lines dedicated to the public, but not accepted in a governmental road system.
10. **PUBLIC STREET**: All land between right-of-way lines dedicated to and accepted by a governmental agency. (Amendment/ January 24, 2005)

Subdivision: The division of a quarter-quarter section of land or government lot into two (2) or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, building development or lease. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

1. **MAJOR SUBDIVISION**: All subdivisions not classified as either a property line adjustment, simple division, or minor subdivision, including but not limited to any size

subdivision requiring new public or private streets, or the extension of any public facilities, or the creation of any public improvements.

2. MINOR SUBDIVISION: A subdivision of land which meets the following criteria:

- A. All new lots shall front on and have direct access from an existing public street.
- B. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed subdivision.
- C. No more than four (4) lots shall be created.
- D. No new lot shall conflict with any provisions or portion of the County Zoning Ordinance or this Ordinance.

3. SIMPLE DIVISION: A subdivision of a tract which meets the following criteria:

- A. No more than three (3) parcels are created per quarter-quarter section.
- B. No new parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

4. PROPERTY LINE ADJUSTMENT: A subdivision of one (1) or more lots or parcels which meets the following criteria:

- A. No additional lots or parcels shall be created.
- B. No part of the divided lot or parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
- C. No new lot or parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance. (Amendment/ January 24, 2005)

ARTICLE III

Section 1. JURISDICTION

It shall be unlawful for any person being the owner, agent or person having control of any land within Henry County and the extra territorial plat jurisdiction of a municipality to create a subdivision unless by a plat, in accordance with the regulations contained herein. Such plat shall first be submitted to the Henry County Health Department for sewage disposal and water arrangements. It shall be then submitted to the Board of Supervisors for approval or disapproval. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided and all public lands and rights dedicated to the governing body having jurisdiction for the area in which it is located.

ARTICLE IV

Section 1. APPLICATION PROCEDURES

The regulations set forth by this Ordinance shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the County:

- 1. No plat of any subdivision within the application of this Ordinance has any validity until the plat has been prepared, approved and acknowledged in the manner prescribed in this Ordinance.
- 2. The subdivision of any tract or parcel of land for the purpose of sale, transfer or lease with the intent of evading the provisions of this Ordinance shall not be permitted. All such described subdivisions shall be subject to all the requirements contained in this Ordinance.
- 3. No permit, license or certificate shall be issued by a department, official or public employee of the County vested with such duty or authority, for any use, building or other

purpose on a parcel or tract which is not a lot of record at the effective date of adoption of this Ordinance or which has not been approved and recorded in accordance with the provisions of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.

4. No public improvements shall be made by the County Board with County funds, nor shall any County funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the effective date of this Ordinance, unless such subdivision and streets have been approved in accordance with the provisions of this Ordinance and the street accepted by the County Engineer as a public street. (Amendment/ January 24, 2005)

Section 2. CLASSIFICATION OF SUBDIVISIONS:

Except as provided in Article IV Section 2 sub section 5, whenever any division of a tract or parcel into two (2) or more parcels is proposed, before any contract is made for the sale of any part thereof, and before any zoning permit is issued for the erection of any structure upon such land, the owner of the land, or his authorized agent, shall apply and secure approval of the particular type of division, as described below, proposed.

1. The procedure for approval of a major subdivision, as defined in Article I section 2, shall consist of a:

- A. Sketch plat, as described in Article IV section 3.
- B. Preliminary plat, as described in Article IV sections 4-15.
- C. Final construction plans, as described in Article VI sections 2-9.
- D. Final plat, as described in Article IV sections 16-24.

2. The procedure for approval of a minor subdivision, as defined in Article I section 2, shall consist of a:

- A. Sketch plat, as described in Article IV section 3.
- B. Preliminary plat, as described in Article IV sections 4-15.
- C. Final plat, as described in Article IV sections 16-24.

3. The procedure for approval of a simple division, as defined in Article I section 2, shall consist of a:

- A. Sketch plat, as described in Article IV section 3.

4. The procedure for approval of a property line adjustment, as defined in Article I section 2, shall consist of a:

- A. Sketch plat, as described in Article IV section 3.

5. Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:

- A. The division of land into burial lots in a cemetery.
- B. A conveyance of land or interest therein for use of right-of-way by a railroad or other public utility subject to State or Federal regulations, where such conveyance does not involve the creation of any new public or private street or easement of access.
- C. A conveyance of land or interest therein to adjoining property owners of vacated right-of-way by a railroad or other public utility subject to State or Federal regulation, where such conveyance does not involve the creation of any new parcel.
- D. A conveyance of land to the State or County for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.

E. A conveyance of land in forty-acre aliquot part or government lots. (Amendment/ January 24, 2005)

Section 3. DISCUSSION OF REQUIREMENTS: Before preparing a sketch plat, the developer should discuss with the Planning and Zoning Administrator the requirements and procedure for approval of a property line adjustment, simple division or minor or major subdivision. The Planning and Zoning Administrator shall also advise the developer, where appropriate, to discuss the proposal with those officials who must eventually approve these aspects of the subdivision coming within their jurisdiction.

APPLICATION FOR SKETCH PLAT APPROVAL: An application for sketch plat approval shall be filed, upon the form provided, with the Planning and Zoning Administrator. The application shall include information and documentation as prescribed by the Planning and Zoning Administrator.

The application shall contain the following information and documentation:

1. The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
2. The proposed name of the subdivision or the name of the property owner, if no subdivision name has been chosen.
3. The street address or general location and legal description of the subject property.
4. The present and proposed uses and zoning district classification of the subject property.
5. A copy of any existing protective covenants or deed restrictions on the subject property.
6. A statement of any existing easements affecting the subject property.
7. A statement of preliminary proposals for providing water supply, sanitary sewage treatment, utilities, storm water drainage and other improvements.
8. Two (2) copies of the sketch plat as described below.
9. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
10. A certificate from the County Treasurer that the land for which a property line adjustment or a simple division as being considered free from certified taxes and certified special assessments.

CONTENTS OF THE SKETCH PLAT: The sketch plat may be drawn as a freehand sketch at a legible scale. It is recommended that a sketch plat for a subdivision be depicted on a blackline/blueline print copy of the appropriate page of the County Auditor's Official Plat Book, which is on record in the office of the County Auditor. The sketch plat shall show the following:

1. The date of the document, approximate true north arrow and the scale of the document.
2. General location of the property by section, township and range.
3. The location of property lines, existing right-of-ways and easements; and the location, width, and names of all existing or platted streets or easements of access within or immediately adjacent to the subject property.
4. In the case of a major subdivision plat, the approximate location and width of proposed public or private streets.

5. The approximate location, dimension and area of all existing and proposed lots or parcels.

6. The approximate location, dimension and area of all property proposed to be set aside for park or playground use, or other public or private recreation.

REVIEW OF SKETCH PLAT: The Planning and Zoning Administrator shall review the application and determine the appropriate subdivision classification for the sketch plat. The Planning and Zoning Administrator shall confer with the developer and the County Engineer to develop a mutually acceptable sketch plat for a major subdivision.

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

1. Approval of the sketch plat shall signify the general acceptability of the proposed property line adjustment with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance and shall be deemed to be authorization to proceed with preparation of necessary instruments for conveyance of a portion of one (1) lot or parcel to the owner of an adjoining lot or parcel. A plat of survey shall be prepared for the division. One (1) copy of the plat of survey shall be prepared by an Iowa registered land surveyor and filed with the Planning and Zoning Administrator before final approval may be given on the sketch plat application. A copy of said decision shall be recorded simultaneously with any and all instruments filed with the County Recorder which transfer the ownership of said property being divided.

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

2. Disapproval of the sketch plat shall signify the general unacceptability of the proposed property line adjustment with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance; however, the developer may appeal the decision of the Planning and Zoning Administrator to the Board of Supervisors for final determination.

SKETCH PLAT APPROVAL OF A SIMPLE DIVISION: Following such review of the sketch plat for a property tract division, the Planning and Zoning Administrator shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The Planning and Zoning Administrator shall notify, in writing, the developer of his decision. :

1. Approval of the sketch plat shall signify the general acceptability of the proposed property division with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance. A plat of survey shall be prepared for as follows:

A. In the event a forty-acre aliquot part or government lot is proposed to be divided into two (2) parcels, it shall be required that only the parcel being conveyed have a plat of survey prepared of it. However, as allowed by Code of Iowa, Section 354.4, at the

discretion of the County Auditor, an order may be given to require both parcels to have a plat of survey prepared of them. In the event only the parcel being conveyed has a plat of survey prepared, the decision on the sketch plat application shall be conditional upon no further divisions taking place in that forty-acre aliquot part or government lot until such time as all parcels in said forty-acre aliquot part or government lot have had a plat of survey prepared of them.

B. Proposed to be divided into three (3) parcels simultaneously, it shall be required that all three (3) parcels in that forty-acre aliquot part or government lot have a plat of survey prepared of them.

C. In the event a forty-acre aliquot part or government lot was divided into two (2) parcels prior to March 10, 1980 and it is proposed that one (1) of the two (2) parcels be divided into two (2) parcels, resulting in no more than three (3) parcels within the boundaries of the forty-acre aliquot part or government lot, only the two (2) new parcels shall be required to have a plat of survey prepared of them.

D. In the event a forty-acre aliquot part or government lot was divided into two (2) parcels after March 10, 1980 and it is proposed that one of the two parcels be divided into two (2) parcels, neither parcel shall be able to be divided unless a plat of survey has been prepared of all parcels located in said forty-acre aliquot part or government lot.

One (1) copy of the plat of survey shall be prepared by an Iowa registered land surveyor and filed with the Planning and Zoning Administrator before final approval may be given on the sketch plat application. A copy of said decision shall be recorded simultaneously with any and all instruments filed with the County Recorder which transfer the ownership of said property being divided.

2. Disapproval of the sketch plat shall signify the general unacceptability of the proposed simple division with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance; however, the developer may appeal the decision of the Planning and Zoning Administrator to the Board of Supervisors for final determination.

EFFECTIVE PERIOD OF SKETCH PLAT FOR A SIMPLE DIVISION OR PROPERTY LINE ADJUSTMENT: Within one (1) year from the day the Planning and Zoning Administrator approves a sketch plat application for a simple division or a property line adjustment, the developer shall cause the approved deed and approved sketch plat application to have been recorded in the Office of the County Recorder. If the developer fails to record said instruments within the appropriate time period, the sketch plat application shall be void.

SKETCH PLAT APPROVAL OF A MINOR OR MAJOR SUBDIVISION: Following such review of a sketch plat for a minor or major subdivision, the Planning and Zoning Administrator shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The Planning and Zoning Administrator shall notify, in writing, the developer of his decision. :

1. Approval of the sketch plat shall signify the general acceptability of the proposed minor or major subdivision with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance and shall be deemed to be authorization to

proceed with the preparation of a preliminary plat as described in Article IV sections 4-15.

2. Disapproval of the sketch plat shall signify the general unacceptability of the proposed minor or major subdivision with respect to compliance with the requirements of the County Zoning Ordinance and this Ordinance; however, the developer may appeal the decision of the Planning and Zoning Administrator to the Board of Supervisors for final determination. (Amendment/ January 24, 2005)

Section 4. APPLICATION FOR PRELIMINARY PLAT APPROVAL: An application for preliminary plat approval shall be filed, upon the form provided, with the Planning and Zoning Administrator for submission to the Board of Supervisors. The application shall contain the following information and documentation:

1. The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner
2. The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the proposed subdivision.
3. The proposed name of the subdivision.
4. The street address or general location and legal description of the subject property.
5. The present and proposed zoning district classification of the subject property.
6. The existing and proposed uses of the subject property.
7. A statement of any protective covenants or deed restrictions, in outline form, which are proposed to be recorded with the final plat.
8. A statement of proposed method of water supply, of sanitary sewage treatment and of disposal of storm waters from the subject property.
 - A. In the event private water wells are to be the proposed method of water supply, the developer shall submit evidence of the availability of water on the site.
 - B. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Article VI section 11, the developer shall submit evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.
9. A statement of the general nature and type of improvements proposed for the subdivision, and in what manner the developer intends to provide for their installation, e.g., actual construction, monetary guarantee, etc. The approximate time that such improvements will be completed shall be indicated.
- 10 Six (6) blackline/blueline print copies of the preliminary plat as described in Article IV section 5, below, along with one (1) reduced (8 1/2" x 11" or 8 1/2" x 14") copy of the preliminary plat.
- 11 Two (2) blackline/blueline print copies of the plans showing the typical cross sections and center line profiles, with approximate grades, of all proposed public or private streets.
- 12 One (1) blackline/blueline print copy of the Erosion and Sedimentation Control Plan, approved by the appropriate Soil Conservation District, to show the plan of reducing erosion and controlling sediment on the subdivision site during and after construction, prepared in accordance with this Ordinance and the standards and specifications of the Soil Conservation District.

13 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application. (Amendment/ January 24, 2005)

Section 5. CONTENTS OF THE PRELIMINARY PLAT: The preliminary plat shall be prepared by a registered engineer or registered land surveyor at a convenient scale of not less than one (1) inch equals three hundred (300) feet; provided, however, that those areas of more than forty (40) acres may be at a scale of one (1) inch equals four hundred (400) feet. The preliminary plat shall show the following:

1. The name of the proposed subdivision and an identification clearly stating that the document is a preliminary plat.
2. The date of the document, approximate true north point and the scale of the document.
3. The names and addresses of the owner of the land, the developer, if other than the owner, and the registered engineer and/or registered land surveyor who prepared the preliminary plat.
4. A description of the subject property, giving the location and dimensions of all boundary lines to be expressed in feet and decimals of a foot, with reference to section or quarter section lines.
5. The following existing conditions shall be shown on the preliminary plat:
 - A. The location, right-of-way width, surfacing width and names of all existing streets and easements of access, railroad right-of-ways, and utility easements within the subdivision and within two hundred (200) feet thereof.
 - B. The location of any existing permanent buildings within the proposed subdivision and existing buildings in projected alignment of any proposed public or private streets outside of the proposed subdivision and within two hundred (200) feet thereof.
 - C. The location of pertinent features such as water bodies, wetlands, wooded areas, parks, cemeteries, bridges and other permanent structures.
 - D. The location of all existing sanitary and storm sewers, culverts, water mains, gas lines and other underground installations within or immediately adjacent to the proposed subdivision.
 - E. The location of water courses, drainage ditches and areas subject to flooding. Proposed subdivisions located within areas subject to flooding shall include a contour line depicting the boundary of one hundred (100) year flood.
 - F. Contour lines or spot elevations related to some established bench mark or mean sea level or other datum having the following intervals, as follows:

Major Subdivision

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

Minor Subdivision

 1. Ten (10) foot contour intervals.
 2. Spot elevations where the ground is too flat for contours.
 - G. The location, elevation and descriptions of the bench mark controlling the survey.
6. The following information with respect to the manner in which the subject property is to be developed shall be included on the preliminary plat:

- A. The location, dimensions, identification number and lot area of all proposed lots.
- B. The location, right-of-way width, surfacing width and names of all proposed public or private streets.
- C. The location, width and purpose of all proposed easements.
- D. The location and type of all proposed utilities.
- E. The location, dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- F. The location and width of all proposed building setback lines.
- G. Indication of the use of all proposed lots, if other than single-family dwellings.
- 7. A vicinity map adequately covering the area within one-half (1/2) mile radius of the proposed subdivision, at a scale of not less than (1) inch equals two thousand (2000) feet, showing the relation of the plat to the surrounding properties, streets, parks, schools and major commercial or industrial developments, and the boundary of the drainage area affecting the plat.
- 8. A certificate to be signed by the Planning and Zoning Administrator approving the preliminary plat with respect to compliance with the requirements of the County Zoning Ordinance.
- 9. A certificate to be signed by the County Engineer approving the preliminary plat with respect to proposed public improvements, if any.
- 10. A resolution for approval of the County Board to be signed by the Chairman and attested by the County Auditor
- 11. If applicable, a resolution for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City. (Amendment/ January 24, 2005)

Section 6. APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the Planning and Zoning Administrator and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing. (Amendment/ January 24, 2005)

Section 7. DISTRIBUTION OF PRELIMINARY PLAT: The Planning and Zoning Administrator shall transmit copies of the preliminary plat to the County Engineer, the appropriate school district superintendent, appropriate district soil conservationist, appropriate fire department, the County Sheriff and such other official body or agency as may be directed by the County Board. In addition to a copy of the preliminary plat, two (2) copies of the typical cross sections of the streets shall be transmitted to the County Engineer. (Amendment/ January 24, 2005)

Section 8. REVIEW OF PRELIMINARY PLAT: Comments and recommendation shall be filed with the Planning and Zoning Administrator as soon as practical, but normally within fifteen (15) working days. Copies of the Planning and Zoning

Administrator's comments and recommendations as well as those of the responding individuals and agencies shall be submitted to the Board of Supervisors. (Amendment/ January 24, 2005)

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Section 9. REVIEW OF PRELIMINARY PLAT BY SOIL CONSERVATION DISTRICT: The preliminary plat shall not be approved unless it includes a complete plan for soil erosion and sedimentation control, developed in accordance with the technical standards and specifications of the appropriate District Soil conservationist and approved by the Soil Conservation District. The developer shall attach a statement to the erosion and sedimentation control plan certifying that construction and/or development will be done in accordance with the plan.

The appropriate District Soil Conservationist shall notify, in writing, the developer and the Planning and Zoning Administrator that the erosion and sedimentation control plan has been approved, approved subject to modifications or disapproved. If disapproved, the Soil Conservation District shall submit to the Planning and Zoning Administrator, with a copy to the developer, a statement setting forth reasons for disapproval, and indicating in what way this plan fails to conform to the technical standards and specifications of the Soil Conservation District. In addition, the Soil Conservation District may submit written comment on the other materials submitted for its review.

The date of approval of the erosion and sedimentation control plan by the Soil Conservation District shall be its effective date. Any improvements pursuant to the development of the land from that date forward shall be undertaken in conformance with the plan.

The developer and subsequent landowners shall be liable for the successful implementation and completion of this plan. Any changes in the plan will require approval of the appropriate District Soil Conservationist. (Amendment/ January 24, 2005)

Section 10. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT: The preliminary plat shall not be approved unless it includes a copy of an approved NPDES Permit issued by the Iowa Department of Natural Resources for a parcel or tract of land with a total area of one (1) acres or more. (Amendment/ January 24, 2005)

Section 11. PUBLIC HEARING BY COUNTY BOARD: After receipt of the written recommendation on the proposed subdivision from the Planning and Zoning Administrator, the County Board shall hold a public hearing on the proposed subdivision application.

COUNTY BOARD ACTION: The County Board shall consider the Planning and Zoning Administrator's recommendation and shall either disapprove the preliminary plat; shall refer it back to the Planning and Zoning Administrator for further consideration of specified matters; or shall, by resolution, approve the preliminary plat, with or without

specified conditions to be accepted by the developer as a condition of such approval. Adoption of such a resolution shall require an affirmative vote of at least a majority of those voting. (Amendment/ January 24, 2005)

Section 12. **RECORD OF APPROVAL:** Any resolution adopted by the County Board approving a preliminary plat shall be given an official resolution number and shall be spread in the minutes of proceedings of the County Board.

- 1) Following County Board action, the Planning and Zoning Administrator shall notify, in writing, the developer of the County Board's decision.
- 2) If the preliminary plat is approved by the County Board, the Planning and Zoning Administrator shall return a signed blackline/blueline print copy of such plat to the developer. (Amendment/ January 24, 2005)

Section 13. **EFFECT OF APPROVAL OF PRELIMINARY PLAT:** Approval of the preliminary plat shall not constitute final acceptance of the subdivision by the County Board, but shall signify merely the general acceptability of the proposed subdivision. Such approval shall be deemed to be authorization to proceed with the preparation of the final construction plans and the final plat. (Amendment/ January 24, 2005)

Section 14. **EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL:** Within one (1) year from the day the County Board approves a preliminary plat, the developer shall apply for final plat approval or the first part thereof if phased. If the subdivision is phased, the developer shall apply for final plat approval of the second phase within two (2) years, the third phase with three (3) years, the fourth phase and the balance thereof within five (5) years from the date the preliminary plat was approved by the County Board. If the developer fails to apply for final plat approval within the appropriate time period, the preliminary plat, or remaining phase thereof, shall be void unless the developer requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased. (Amendment/ January 24, 2005)

Section 15. **EXTENSION OF TIME LIMITATIONS:** The County Board may grant an extension of time of not more than two (2) years from the date required for submission of a final plat or any part thereof if phased. If a developer applies for an extension of time of submission of any part of a phased subdivision, which is subsequently granted by the County Board, equal extensions are automatically granted for each of the remaining phases. A developer may apply only once for an extension of time, whether or not the preliminary plat is phased. If the County Board refuses to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof is phased, to the County Board within the appropriate time originally required or sixty (60) days from the day the extension request is denied by the County Board. (Amendment/ January 24, 2005)

Section 16. APPLICATION FOR FINAL PLAT APPROVAL: Following the approval of the preliminary plat in the case of a minor subdivision, or of the preliminary plat and final construction plans in the case of a major subdivision, the developer, if he wishes to proceed with the subdivision, shall file, upon the form provided, an application for final plat approval with the Planning and Zoning Administrator for submission to the County Board. The application shall contain the following information and documentation:

1. The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
2. The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the subdivision.
3. The approved name of the subdivision.
4. A copy of any protective covenants or deed restrictions affecting the subdivision.
5. The performance guarantee, if required, as described in Article VI sections 2-9. If the required improvements have been completed in lieu of a performance guarantee, then a certificate signed by the County Engineer approving the installation of any required improvements.
6. Copies of the final plat of the following types and sizes, all of which shall bear the original signatures on the required certificates, as described below.
 - A. Eight (8) blackline/blueline print copies of the final plat.
 - B. One (1) reduced copy which is either 8 1/2" x 11" or 8 1/2" x 14", of the final plat.
7. A statement from the mortgage holders or lien holders, if any, as required by Section 354.11, Code of Iowa, as amended.
8. An opinion by an attorney-at-law, as required by Section 354.11, Code of Iowa, as amended.
9. A certificate to be signed by the County Treasurer, as required by Section 354.11, Code of Iowa, as amended.
10. Such other and further information as the County Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
11. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
(Amendment/ January 24, 2005)

Section 17. CONTENTS OF THE FINAL PLAT: The final plat shall be prepared by a registered land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat shall show the following:

1. The approved name of the subdivision.
2. The date of the document, approximate true north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.
3. The names and addresses of the owner of the land, the developer, if other than the owner, and the engineering firm or surveying firm that prepared the final plat.

4. The location by section, township, range, county and state and including descriptive boundaries of the subdivision, based on accurate traverse, giving annular and linear dimensions which must mathematically close.
5. The exact location and layout of lots, public or private streets with accurate dimensions in feet and decimals of feet, interior angles, length and radii, arcs and intermediate tangents of all curves, and with all other information necessary to reproduce the plat on the ground.
6. The location of all existing and new streets within the subdivision.
7. The names and width of all existing and new streets within the subdivision.
8. The lot number and area of each lot within the subdivision. The data on the area of each lot may be shown in a table format on the plat page on which said lot is drawn.
9. The location of all easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certification of identification.
10. The recorded reference of any protective covenants or deed restrictions affecting the subdivision shall be shown as a notation on the final plat.
11. A statement by the proprietors and their spouse, if any, as required by Chapter 354.11, Code of Iowa, as amended.
12. A certificate signed by a registered land surveyor, as required by Chapter 355, Code of Iowa.
13. A certificate to be signed by the Planning and Zoning Administrator approving the final plat with respect to compliance with the requirements of the County Zoning Ordinance.
14. A certificate to be signed by the County Engineer approving the final plat with respect to public improvements, if any.
15. A resolution for approval of the County Board to be signed by the Chairman and attested by the County Auditor.
16. If applicable, a resolution for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City. (Amendment/ January 24, 2005)

Section 18. APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the Development Director and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing. (Amendment/ January 24, 2005)

Section 19. REVIEW OF FINAL PLAT: The Planning and Zoning Administrator shall transmit copies of the final plat to the County Engineer.

Copies of the Planning and Zoning Administrator's comments and recommendations, as well as those of the County Engineer, shall be submitted to the County Board. (Amendment/ January 24, 2005)

Section 20. PUBLIC MEETING BY COUNTY BOARD: The County Board shall consider the proposed final plat at public meeting. Notice of the public meeting shall be given as specified in Chapter 21, Code of Iowa, as amended. (Amendment/ January 24, 2005)

Section 21. COUNTY BOARD ACTION: The County Board shall, within sixty (60) days from the date of application acceptance for final plat approval, either disapprove the final plat or shall, by resolution, approve the final plat and accept the dedication of all streets, easements, parks and other public grounds for public use. Adoption of a resolution shall require an affirmative vote of at least a majority of those voting. (Amendment/ January 24, 2005)

Section 22. RECORD OF APPROVAL: Any resolution adopted by the County Board approving a final plat shall be given an official resolution number and shall be spread in the minutes of proceedings of the County Board.

1. The Planning and Zoning Administrator shall notify, in writing, the developer of the County Board's decision.

2. If the final plat is approved by the County Board, the Planning and Zoning Administrator, after having retained two (2) blackline/blueline print copy and one (1) reduced copy of such plat, shall return all other copies to the developer, who shall retain one (1) blackline/blueline print copy and distribute the others as follows:

A. One (1) blackline/blueline print copy, at a size of not greater than 11" x 17", to each of the following: County Engineer, County Auditor, County Assessor, and the appropriate City, if any.

B. One (1) blackline/blueline print copy, at a size of not greater than 11" x 17", to the County Recorder, to be recorded in accordance with the provisions of Chapter 354, Code of Iowa. (Amendment/ January 24, 2005)

Section 23. RECORDING FINAL PLAT: Approval of the final plat by the County Board shall be null and void if the final plat is not recorded with the County Recorder within ninety (90) days after the date of approval, unless an extension is requested by the developer within that time and granted by the County Board. (Amendment/ January 24, 2005)

Section 24. FAILURE TO CONSTRUCT REQUIRED IMPROVEMENTS: In the event a developer has posted a performance guarantee in lieu of actual construction of required improvements, the County Board may thirty (30) days prior to the expiration of

the performance guarantee review the development of the subdivision and may direct the County Engineer to proceed with and execute the performance guarantee in order to assure that the required improvements are completed. (Amendment/ January 24, 2005)

Section 25. PLATS IN UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS OF CITIES AND TOWNS.

With regard to subdivisions located in the corporate limits of cities and towns having Plan Commissions established in accordance with Chapter 373, Code of Iowa, 1973, the provisions of this ordinance shall not apply. However, the Plan Commission and the City or Town Council may agree to waive such requirements as are contained in their local ordinances to the end that the Planning Commission and Council are satisfied that equally suitable regulations shall be placed on these subdivisions by the Henry County Board of Supervisors under the provisions of this ordinance. In such instance, the Henry County Board of Supervisors shall furnish the city or town plan commission with a copy of the said subdivision, as approved, certifying that all requirements of the Henry County Subdivision ordinance have been met.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of cities and towns and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities and towns.

Section 26. AUDITOR'S PLATS

With regard to Auditor's plats as distinguished from proprietor's plats the Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations providing there is on file with the Board of Supervisors a copy of the request of the Henry County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which he has ordered the plat.

ARTICLE V

Section 1. DESIGN AND DEVELOPMENT STANDARDS

No subdivision plat shall be approved by either the County Engineer or by the Board of Supervisors unless it conforms to the following minimum standards and requirements, except those plats referred to in Article IV, Section 8, Auditor's Plats.

Section 2. ACRE SUBDIVISION

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision

so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

Section 3. SUITABILITY OF THE LAND FOR SUBDIVISION

- 1) If the Board of County Supervisors finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion of flood hazards; and, if, from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Board of County Supervisors shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.
- 2) The Board of County Supervisors may refuse to approve what it considers to be scattered or premature subdivision of land which involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services, such as, undue maintenance costs for adequate roads.

Section 4. STREET ALIGNMENT

- 1) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- 2) The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half of the street shall be platted.
- 3) Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening and the ultimate extension of adjacent minor streets. Easements, providing for the future opening and extension of such streets or thoroughfares, may at the discretion of the governing body, be made a requirement of the plat.
- 4) Where a subdivision abuts or contains an existing or proposed major or arterial street, the Board may require a parallel access street, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for

adequate protection of residential properties and to afford separation of through and local traffic.

- 5) Streets with centerline offsets of less than one hundred and fifty (150) feet shall be avoided.

Section 5. STREET RIGHT-OF-WAY

The dedication of right-of-way for streets measured from lot line to lot line shall meet the following standards:

- 1) Subdivision Collector shall provide a moderate speed, free-flow access and distribution facility between secondary and residential development roads and shall be constructed in substantial compliance with the following design standards:

Right-of-Way, minimum width: 66 feet
Traffic surface, minimum width: 24 feet
Traffic surface, maximum vertical grade: 10%
Grading, maximum slope: 3:1 ratio

- 2) Residential Service shall provide a low speed, low volume access to abutting property that effectively eliminates through traffic and shall be constructed in substantial compliance with the following design standards:

Right-of-Way, minimum width: 66 feet, may be reduced to 50' if street is paved and includes curb and gutter
Traffic surface, minimum width: 24 feet
Traffic surface, maximum vertical grade: 12%
Grading, maximum slope: 3:1 ratio

- 3) Marginal Access shall provide a low speed, limited access serving no more than six (6) abutting lots and shall be constructed in substantial compliance with the following design standards:

Right-of-Way, minimum width: 40 feet
Traffic surface, minimum width: 20 feet
Traffic surface, maximum-vertical grade: 15%
Grading, maximum slope: 3:1 ratio

- 4) Commercial Service shall provide a slow speed, high volume access to abutting commercial and higher density residential properties and shall be constructed in substantial compliance with the following design standards:

Right-of-Way, minimum width: 40 feet
Traffic surface, minimum width: 22 feet
Traffic surface, maximum vertical grade: 10%

Grading, maximum slope: 3:1 ratio
Traffic surface, intersection turning radius: 50 feet
Traffic surface shall be constructed of a permanent dust-free surface.

- 5) Agricultural Access shall provide a low speed, low volume access for lots designated exclusively for agricultural, non-buildable or open space purposes provided that these lots will generate traffic that is seasonal or infrequent in nature and kept to a minimum length.

Right-of-Way, minimum width: 25 feet
Traffic surface, minimum width: 10 feet

- 6) When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way, measured from the center line of the existing roadway shall be dedicated. (Amendment/ August 18, 2004)

Section 6. DISCHARGE OF SURFACE WATER

- 1) All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one half of one percent (0.5%). (Amendment/ August 18, 2004)
- 2) The Board of County Supervisors shall not approve the streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. The Board of County Supervisors shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. (Amendment/ August 18, 2004)

Section 7. CURVES IN STREETS – HORIZONTAL AND VERTICAL

Horizontal curves:

- 1) A tangent at least one hundred (100) feet long shall be introduced between reverse curbs on arterial and collector streets.
- 2) Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

<u>Street Type</u>	<u>Minimum Curve Radius</u>
Arterial	300 feet
Collector	300 feet
Minor	100 feet

(Amendment/ August 18, 2004)

Vertical Curves:

- 1) Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two-hundred (200) feet, said sight distance being measured from a driver's eyes, which are assumed to be four and one-half (4 ½) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades, drawn to an approved scale, shall be required by the Board of County Supervisors.

Section 8. INTERSECTIONS

- 1) Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than sixty (60) degrees.
- 2) Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Board of County Supervisors may require curb radii of greater length. Wherever necessary to permit the construction of a curb having desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.
- 3) No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

Section 9. ALLEYS

Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the Board of County Supervisors.

Section 10. FRONTAGE OR MARGINAL ACCESS STREETS

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Board of County Supervisors may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

Section 11. DEAD-END STREETS (CUL-DE-SACS)

Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall be provided at the closed end and at intervals not longer than (1000) feet with a turnaround having a radius at the outside of the pavement of at least fifty (50) feet and a radius at the outside of the right-of-way of at least sixty (60) feet.

Dead-end streets shall contain no more than 20 lots subject to the following surface requirements.

1 to 6 lots; gravel surface required.

7 to 14 lots; seal coat surface required.

15 to 20 lots; concrete curb and gutter required.

All road surfacing is subject to the requirements of Article Five Section 5 and final approval of the Henry County Engine (Amendment/ August 18, 2004)

Section 12. STREET NAMES

Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.

No street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Board of Supervisors.

Section 13. BLOCKS

No block shall be longer than one thousand three hundred twenty (1,320) feet, or less than three hundred (300) feet except as the Board of Supervisors deems necessary to ensure efficient use of land or desired features of street layout.

Section 14. LOTS

- 1) Relationship to Streets. All lots shall front on a public street or road for a minimum distance of seventy-five (75) feet except that lots which front on the turnarounds of permanent dead-end streets shall front on such turnarounds for a minimum distance of twenty-five (25) feet. In addition all lots that use drainage fields for sewage disposal shall have a minimum lot size of 15,000 sq. feet.
- 2) Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding. Except where unfeasible, side lot lines shall be at right angles to straight street lines and radial to curved lines.
- 3) Dimensions. The minimum dimensions for lots shall be in accordance with the bulk regulations of the ordinance for the district within which the subdivision is located; provided, however, that the minimum depth for a lot shall be one hundred (100) feet and meet established County Health Department rules and regulations.
- 4) Corner Lots. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the ordinance, and minimum size required for adequate septic tank drainage in accordance with approved and published Health Standards.

- 5) Reverse Frontage Lots. Double frontage and reverse lots shall be avoided, except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.
- 6) Lot Lines. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

Section 15. CHARACTER OF DEVELOPMENT

The Board shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

Section 16. EASEMENTS ALONG STREAMS

Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. He shall also provide and dedicate to the County an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the streams. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than thirty (30) feet.

Section 17. UTILITY AND DRAINAGE EASEMENTS

- 1) Except where alleys are permitted for the purpose, the county Board of Supervisors shall require easements at least twelve (12) feet in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the Board of County Supervisors similar easements shall be provided along side lot lines or across lots.
- 2) If the board of County Supervisors deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

Section 18 . PUBLIC OPEN SPACES

Where a school, neighborhood park, recreation area, or public access to water frontage which is shown on an official map or in a plan for future land use is located in whole or in part in the applicant's proposed subdivision, the Board of County Supervisors may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purposes.

ARTICLE VI

Section 1. REQUIRED IMPROVEMENTS: Upon County Board approval of a preliminary plat and prior to application for final plat approval, the developer shall:

- 1) Construct and install the required improvements, or;
- 2) Post a performance guarantee for the total cost of the improvements, or;
- 3) Construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed. (Amendment/ January 24, 2005)

Section 2. SUBMISSION OF THE FINAL CONSTRUCTION PLANS: The developer shall have a registered engineer prepare the final construction plans for the proposed required improvements containing the data and information specified in Article VI section 3, below. Four (4) blackline/blueline print copies of such plans shall be certified by a registered engineer, and shall be submitted to the County Engineer in the following manner.

- 1) In the event the developer chooses to construct and install the required improvements, as specified in Article VI section 1-1, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the construction will commence.
- 2) In the event the developer chooses to post a performance guarantee for the total cost of the required improvements, as specified in Article VI section 1-2, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the final plat is submitted for approval. Said final construction plans, upon submittal to the County Engineer, shall be accompanied by a detailed engineering estimate of cost for all improvements, estimated and certified by the developer's registered engineer. These estimates will be utilized by the County Engineer for review and determination of the amount of the performance guarantee. The amount of the performance guarantee shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer.
- 3) In the event the developer chooses to construct and install a portion of the required improvements and post a performance guarantee for the remainder of the improvements not completed, as specified in Article VI section 1-3, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the developer shall notify the County Engineer of his intent to post a performance guarantee for remaining improvements and shall submit the cost estimates for the remaining portion, as specified in Article VI section 2-2.
- 4) In the event one (1) year has lapsed since the issuance of the performance guarantee and construction of the required improvements has not been completed, it shall be the responsibility of the developer to resubmit the detailed

engineering estimates of cost and a new performance guarantee as required in Article VI section 2-2. (Amendment/ January 24, 2005)

Section 3. CONTENTS OF FINAL CONSTRUCTION PLANS: The final construction plans for required lot or public improvements shall contain the following data and information.

1) Plans, details, specifications and cost estimates for street and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometrics for each street with a typical cross section.

The profiles of grade lines shall be shown to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the County Engineer.

2. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.

3. Plans, profiles, details, specifications and cost estimates proposed water distribution systems, water supply facilities and water hydrants, if any. .

A. Submittal of well test results, as provided in Article VI section 10-4, when so required by the County Board at the time of preliminary plat approval. .

4. Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.

A. Submittal of soil boring tests and/or percolation test results, as provided in Article VI section 11-3, when so required by the County Board at the time of preliminary plat approval.

5. Grading plans for all lots and other sites within the subdivision, including details and specifications for soil erosion and sedimentation control.

6. When unusual site conditions exists, the County Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.

7. All plans shall be based on U.S.G.S. datum for vertical control, where feasible; where U.S.G.S. datum is not feasible, a datum plan may be assumed provided a minimum of three (3) permanent bench marks are installed for vertical control.

8. All plans for underground utilities shall be prepared by or at the direction of the utility company involved. (Amendment/ January 24, 2005)

Section 4. REVIEW OF FINAL CONSTRUCTION: The County Engineer shall transmit a copy of the final construction plans to the Planning and Zoning Administrator for review and comments. The County Engineer shall review the final construction plans in order to determine whether such plans are consistent with the approved preliminary plat and comply with the design standards and specifications described in Article VI.

If such plans are consistent and do comply, the County Engineer shall submit a notice to the Planning and Zoning Administrator that they so conform and comply, and shall return one (1) signed copy of the approved final construction plans to the developer. In the event that such plans do not conform and comply, the County Engineer shall notify the developer of the specific manner in which plans do not conform or comply, and the

developer may then correct such plans. If such plans are not corrected, the County Engineer shall transmit a notice to the Planning and Zoning Administrator as to the items of nonconformity or noncompliance. (Amendment/ January 24, 2005)

Section 5. CONSTRUCTION OF IMPROVEMENTS: No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the final construction plans shall have been approved by the County Engineer. (Amendment/ January 24, 2005)

Section 6. INSPECTION: It is the responsibility of the developer to oversee the construction operations of the required improvements to assure that the work performed is in accordance with the final construction plans. Therefore the developer shall provide:

- 1) Full time construction inspection by a qualified inspector during all major phases of the construction. Daily progress reports must be maintained and submitted weekly to the County Engineer.
- 2) Quality control testing shall be performed by the developer and the results submitted to the County Engineer. (Amendment/ January 24, 2005)

Section 7 FINAL INSPECTION: Upon completion of all improvements within the area covered by the final plat, the developer shall notify the County Engineer, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final construction plans, the County Engineer shall notify, in writing, the developer of such defects, deficiencies or deviations and the developer shall, at his sole cost and expense, correct such defects, deficiencies or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the developer shall again notify the County Engineer that the improvements are again ready for final inspection. (Amendment/ January 24, 2005)

Section 8. ACCEPTANCE OF IMPROVEMENTS: Prior to acceptance of the required improvements by the County Engineer, the developer shall provide:

- 1) A certification by the developer's registered engineer that the work was completed in accordance with plans and specifications and meets all applicable County standards.
- 2) Three (3) blackline/blueline print copies will be required to be submitted to the County Engineer prior to approval of the completed construction of the required improvements. (Amendment/ January 24, 2005)

Section 9. REPORT TO COUNTY BOARD: If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations the County Engineer shall certify to the County Board, within five (5) working days from the completion of inspection, that all improvements have been installed in conformity with the final construction plans. The receipt of such notification by the County Board shall constitute the date on which the two (2) year period specified in Article VI section 10 shall commence. (Amendment/ January 24, 2005)

Section 10. MAINTENANCE BOND: The developer shall warrant the design, materials and workmanship of all required improvements, installations and construction for a period of two (2) years from and after completion. Such warranty shall be by a bond or other acceptable collateral, which shall assure the expedient repair or replacement of defective improvements under warranty and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

Section 11. STREET IMPROVEMENTS: The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area.

The paving on such new streets shall be built according to the standards and specifications of the County Engineer, but in no case shall it consist of less than three inches (3”) of class A crushed rock cover. Minimum pavement widths shall be in accordance with the requirements of the County Engineer. (See approved published regulations and guidelines in the County Engineer’s Office). (Amendment/ August 18, 2004)

Section 12. ROAD ASSOCIATION AGREEMENT: In Subdivisions where private streets are to be approved, the improvements set forth previously in sections four (4) through thirteen (13 Article Five shall be considered the minimum improvements necessary to protect the public health, safety, and welfare.

In all Subdivisions where private streets are to be approved, a Road Association agreement shall be established to:

- A. guarantee access to all lots,
- B. insure repair and maintenance of said facilities,
- C. such other requirements as stipulated by the County.

No private street hereafter created shall become part of any County road system as defined in Chapter 306, Code of Iowa, as amended; and no improvements shall be made by the County, nor shall the County incur any expense for maintenance or repair of private streets or other facilities unless and until such streets and facilities shall have been improved in accordance with the standards and requirements of these regulations for a public street or improvement applicable at the time of dedication and accepted by the County.

An agreement between the Road Association and the County Board shall be required and shall provide, if the right-of-way is to be dedicated at any time in the future that prior to such dedication, the Association shall bring the street up to the standards and requirements for public streets applicable at the time of such dedication.

An agreement between the Road Association and the County Board shall be required and shall provide that in the event the Association requests the County to accept the private

street as public streets, and the clear title of the street right-of-way cannot be readily established, the County may exercise its right of eminent domain and condemn for title the street right-of-way. All expenses incurred by the County for such action, including preparation, hearings, documentation, and damage awards, shall be paid by the Road Association.

Where private streets exist as of the effective date of these regulations and a new plat is proposed to gain access from these private streets, such plat will not be considered until the new plat owner has secured in writing the approval of the owners of all lots having legal access to the existing private streets. This approval shall include the willingness of all lot owners to enter into an association of lot owners in the form of a legal and valid document binding said owners to the repair and maintenance of existing private streets. (Amendment/ August 18, 2004)

Section 13 GRADING: The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.

Section 14. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES: The Board may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

Utilities shall be provided in rear lot easements whenever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply:

- 1) After grading is completed and approved and before any pavement base is applied, all of the in-street underground work – water mains, gas mains, etc., and all service connections – shall be completely installed and approved through the length of the street and across the flat section. Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections provided that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.
- 2) Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the complete installation of service connections before any base is applied shall be required. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

Section 15. WATER SUPPLY: The developer shall make provisions for an approved, adequate supply of potable water to every lot in the subdivision as follows:

- 1) Where an adequate municipal water supply system is reasonably accessible, the developer shall, provide a complete public water supply system, including all hydrants, valves and other appurtenances and a service connection to each lot throughout the entire subdivision.
Such system shall extend into and through the subdivision to the boundary lines and shall be connected to a public water system. Such water supply system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities. All water mains shall be of such size as to support the use of fire hydrants, as described below.
Fire hydrants shall be required for all subdivisions provided with a public water supply. Fire hydrants shall be placed in accordance with the Uniform Fire Code. To eliminate future street excavations, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final surfacing of a street shown on the final plat.
- 2) Where an adequate public water supply system is not reasonably accessible, the developer may, provide a rural water system, including all valves and other appurtenances and a service connection to each lot throughout the entire subdivision.
- 3) Where an adequate public water supply system is not reasonably accessible, the developer may, provide a complete common water supply. Such water supply system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
- 4) Where an adequate public or common water supply system is not reasonably accessible or not required, private water wells may be used for the purpose of providing a private water supply system.
A. The developer shall submit, with the preliminary plat, acceptable evidence of the availability of water on the site. The developer may be required to make one (1) or more test wells within the boundaries of the subdivision if the evidence is deemed unacceptable by the County Board. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with the Henry County, Iowa, Non-Public Water Well Construction Ordinance 1988.
B. Private water wells, if approved, may be drilled at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place. (Amendment/ January 24, 2005)

Section 16. SANITARY SEWER: The developer shall make provisions for an approved, sanitary means of sewage disposal for every lot in the subdivision as follows:

- 1) Where an adequate public sanitary sewer system is reasonably accessible, the developer shall provide a complete public sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall extend into and through the subdivision to the boundary lines and shall connect to a public sanitary sewer system. Such sanitary

- sewer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.
- 2) Where an adequate public sanitary sewer system is not reasonably accessible, the developer may provide a complete common sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
 - 3) Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.
 - A. The developer shall submit, with the preliminary plat, acceptable evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site. The developer may be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision if the evidence is deemed unacceptable by the County Board. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with the Henry County, Iowa, Onsite Wastewater Treatment and Disposal System Ordinance.
 - B. Lots where onsite wastewater treatment and disposal systems are proposed shall provide adequate space for two (2) such systems. The area dedicated for the second system is provided as a back up when the first system fails.
 - C. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place. (Amendment/ January 24, 2005)

Section 17. **STORM SEWER:** Adequate storm sewer systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlets and catch basins and be connected to an approved outfall. There shall be provided storm-water sewers or a surface drainage system to serve adequately the area being subdivided, considering but not limited to the use of existing drainage channels whenever possible. The design of the drainage system shall consider the storm drainage area of which the subdivision is a part and existing watercourses. All storm drainage facilities shall be constructed based upon criteria established by the County Engineer. The County shall only be responsible for maintenance of storm water sewer structures which lie within the County Road right-of-way. (Amendment/ January 24, 2005)

ARTICLE VII

Section 1. **VARIATIONS AND EXCEPTIONS:** Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or

unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the County Engineer may modify or vary such requirements to the end that the subdivider is allowed to develop his property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare.

Section 2. ENFORCEMENT AND PENALTIES

1) Enforcement.

- a) No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein.
- b) The Board of Supervisors shall not permit any public improvements over which it has any control to be made from the County Road Fund or any money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless such subdivision or street has been approved in accordance with the provisions contained herein. Streets not accepted by the Board of Supervisors for addition to the Secondary Road System shall be considered private roads.

2) Penalties.

- a) It shall be unlawful for the owner, or the agent of an owner, to transfer or sell any land by reference to or by other use of a plat or description unless such plat has been approved as required herein. Whoever violates any of the rules and regulations prescribed herein, or fails to comply with any order issued pursuant thereto, shall forfeit and pay fifty dollars (\$50), or as the court may direct for each lot or part thereof sold, disposed of, leased or offered for sale.

Section 3. CHANGES AND AMENDMENTS: Any regulation or provision of this ordinance may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the County Engineer and until after public hearings have been held and public notices shall have been given as required by the Code of Iowa.

Section 4. REPEALER: All Henry County resolutions or ordinances or parts of resolutions or ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. SAVING CLAUSE: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance which shall remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage, approval and publication.