

remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein, are cumulative and in addition to all other remedies provided by law.

- (5) Enforcement of Zoning By Board of Supervisors: In addition to other remedies provided, the Board of Supervisors may correct a violation of this ordinance and assess the land or premises for the cost of the correction if the violation is not corrected within thirty (30) days after the Board of Supervisors gives notice to the owner of record of the land or premises that the Board of Supervisors intends to correct the violation pursuant to this provision. If the Board of Supervisors assesses the cost of the correction to the land or premises, the assessment shall become a lien upon the land or premises so assessed and shall be collected in the same manner as county taxes are collected under the provisions of state law. The notice specified in this subsection 5 shall be deemed given when mailed by ordinary mail to the owner of record at the owner's last address shown on the records of Buena Vista County.

BUENA VISTA COUNTY ORDINANCE NO. 6.2

Title: AN ORDINANCE REGULATING THE SUBDIVISION OF LAND PRESCRIBING STANDARDS FOR SUBDIVISIONS AND FOR THE IMPROVEMENT THEREOF, PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING FEES THEREFOR, AND PRESCRIBING PENALTIES FOR VIOLATION OF SUCH ORDINANCE. THIS ORDINANCE IS IN CONFORMANCE WITH CHAPTER 354 OF THE CODE OF IOWA.

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

Table of Contents

ARTICLE I: GENERAL PROVISIONS

Section

- 1.1 Short Title
- 1.2 Purpose
- 1.3 Application
- 1.4 Recording of Plat of Survey
- 1.5 Recording of a Major or Minor Plat
- 1.6 Fees Established
- 1.7 Penalties
- 1.8 Zoning Compliance Permit to be Denied

ARTICLE II: DEFINITIONS

Section:

- 2.1 Terms Defined

ARTICLE III: IMPROVEMENTS

Section:

- 3.1 Improvements Required
- 3.2 Inspection
- 3.3 Minimum Improvements
- 3.4 Easements Required
- 3.5 Maintenance Bond required
- 3.6 Alternative Systems for Sewer and Water

**ARTICLE IV: MINIMUM DESIGN STANDARDS
FOR SUBDIVISIONS**

Section:

- 4.1 Standards Prescribed
 - 4.2 Land Suitability
 - 4.3 Lands Subject to Flooding
 - 4.4 Plat to Conform to Comprehensive Plan
 - 4.5 Construction Standards for Improvements
 - 4.6 Street Standards
-

- 4.7 Block and Lot Standards
- 4.8 Park and Open space
- 4.9 Parks and School Sites Reserved
- 4.10 Improvements to Public, Non-paved Streets
- 4.11 Plans
- 4.12 Railroads

**ARTICLE V: PROCEDURES AND SUBMISSION
REQUIREMENTS FOR MAJOR SUBDIVISION PLATS**

Section:

- 5.1 Pre-Application Conference
- 5.2 Sketch Plan Required
- 5.3 Presentation to Planning Commission or Board of Supervisors
- 5.4 Plats Required
- 5.5 Requirement of the Preliminary Plat
- 5.6 Procedures for Review of Preliminary Plats
- 5.7 Duration of Approval of Preliminary Plat
- 5.8 Authorization to Install Improvements
- 5.9 Completion and Acceptance of Improvements
- 5.10 Performance Bond Permitted
- 5.11 Requirement of Final Plat
- 5.12 Attachments to the Final Plat
- 5.13 Procedures for the Review of Final Plats

**ARTICLE VI: PROCEDURES AND SUBMISSION
REQUIREMENTS FOR MINOR PLATS**

Section:

- 6.1 Pre-Application Conference
- 6.2 Sketch Plan Required
- 6.3 Presentation to Planning Commission
- 6.4 Plats Required
- 6.5 Requirement of the Plat
- 6.6 Attachments to the Plat
- 6.7 Procedures for the Review of Plats

**ARTICLE VII: PROCEDURES AND SUBMISSION
REQUIREMENTS FOR A LINE ADJUSTMENT PLATS**

Section:

- 7.1 Plats Required
 - 7.2 Requirements of a Line Adjustment Plat
-

Subdivisions – 6.2

- 7.3 Attachments to the Line Adjustment Plat
- 7.4 Procedures for the Review of Line Adjustment Plats

**ARTICLE VIII: PROCEDURES AND SUBMISSION
REQUIREMENTS FOR PLATS OF SURVEY**

Section:

- 8.1 Plats of Survey Required
- 8.2 Requirements of Plats of Survey
- 8.3 Attachments to the Plats of Survey
- 8.4 Procedures for the Review of Plats of Survey

ARTICLE IX: OTHER PROVISIONS

Section:

- 9.1 Variances
- 9.2 Repeal and Saving Clause
- 9.2 Severability Clause
- 9.3 Changes and Amendments
- 9.4 Ordinance Not to Limit Other Ordinances

ARTICLE I: GENERAL PROVISIONS

Section:

- 1.1 Short Title
- 1.2 Purpose
- 1.3 Application
- 1.4 Recording of Plat
- 1.5 Fees Established
- 1.6 Penalties
- 1.7 Zoning Compliance Permit to be Denied

1.1. SHORT TITLE: This ordinance shall be known as the “Subdivision Ordinance” Buena Vista County, Iowa.

1.2. PURPOSE: The purpose of this ordinance is to provide minimum standards for the design, development, and improvement of all new divisions and subdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety, and general welfare of the citizens of Buena Vista County, Iowa.

1.3. APPLICATION: Every owner of any tract of land which has divided or subdivided or shall hereafter divide or subdivide or plat said tract into two (2) or more parts, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage, or suburban lots within Buena Vista County, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth, before selling any lots therein contained or placing the plat on record.

However, the division of land for agricultural purposes into parcels of forty (40) acres or more not involving any new road, street, easement, or other dedication, shall not be considered a division of land described above and shall be exempt from the requirements of this ordinance.

1.4. RECORDING OF A PLAT OF SURVEY: No plat of survey of land within unincorporated Buena Vista County, Iowa, shall be filed for the record with the County Recorder until the Zoning Administrator has found that the Plat of Survey complies with Buena Vista County's subdivision and zoning ordinances.

1.5. RECORDING OF A MAJOR OR MINOR PLAT: No subdivision plat, re-subdivision plat, or street dedication within the unincorporated county of Buena Vista County, Iowa, shall be filed for the record with the County Recorder, until the 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 County Board of Supervisors, it shall be the duty of the owner 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 County Board of Supervisors within the same thirty (30) days.

There shall be five (5) copies stamped as approved by the Board of Supervisors.

- a. One copy shall be retained on file by the Zoning Administrator.
- b. One copy shall be filed with the County Recorder.
- c. One copy shall be filed with the County Assessor.

Subdivisions – 6.2.1

- d. One copy shall be retained by the County Engineer.
- e. One copy with accompanying resolution by the Board of Supervisors approving and accepting the Plat shall be filed with the County Auditor. This copy must be accompanied by a certificate by the owner and spouse, if any, that the subdivision is with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgments of deeds.

1.6. FEES ESTABLISHED: The Board of Supervisors shall, from time to time, establish by resolution fees for the review of plats. No plat for any subdivision or re-subdivision shall be considered filed with the Board of Supervisors unless and until said plat is accompanied by the fee, as established by resolution of the Board of Supervisors, as required by this ordinance.

1.7. PENALTIES: A violation of any of the provisions of this Ordinance shall constitute a county infraction and is punishable by a penalty not to exceed \$500.00. Buena Vista County may seek all relief prescribed by Iowa law for county infractions.

1.8. ZONING COMPLIANCE PERMIT TO BE DENIED: No zoning compliance permit shall be issued for construction on any lot 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 and accepted by the County.

ARTICLE II: DEFINITIONS

Section:

2.1 Terms Defined

2.1. 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.

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

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

Alley: Public property dedicated to public use primarily for vehicular access to back or side of properties otherwise abutting a street.

Auditor’s Plat: A subdivision plat required by either the Auditor or Assessor, prepared by a Licensed Land Surveyor at the request of the Auditor.

Block: 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.

Board: The Board of Supervisors of Buena Vista County, Iowa.

Building Line: A line on a plat between which line and a street, alley, or private place no building or structure may be erected.

Commission: The Planning and Zoning Commission of Buena Vista County, Iowa.

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

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

Conveyance: An instrument filed with the Recorder as evidence of the transfer of title

Subdivisions – 6.2.2

to land, including any form of deed or contract.

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

Division: Dividing a tract of land into two tracts of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this ordinance.

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

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

Forty-Acre Aliquot Part: One-quarter of one-quarter of a section.

Governing Body: The Board of Supervisors of Buena Vista County, Iowa.

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

Improvements: Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.

Line Adjustment Plat: A plat of survey of a parcel or tract of land created when an owner of land transfers or agrees to transfer a part of such land to an owner of land which adjoins the part transferred or to be transferred, such part being the parcel or tract so created.

Lot: A tract of land occupied or intended for occupancy for uses permitted by law and having its principal frontage upon a street or upon such other place as may be approved by the Board of Supervisors pursuant to Section 9.1 of this Ordinance.

Lot, Corner: A “corner lot” is a lot situated at the intersection of two streets.

Lot, Double Frontage: A “double frontage lot” is any lot that is not a corner lot that abuts two streets.

Metes and Bounds Description: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the tract by reference to

physical features of the land.

Major Subdivision: Any subdivision that does not for any reason meet the definition of a minor subdivision or line adjustment plat, shall be classified as a major subdivision.

Minor Subdivision: Any subdivision that contains not more than four (4) lots fronting on an existing street and that does not require construction of any public improvements or that is not a line adjustment plat shall be classified as a minor subdivision.

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

Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act in its behalf.

Performance Bond: A surety bond, cash deposit, or other approved surety made out to Buena Vista County, Iowa, in an amount equal to the full cost of improvements which are required by the Ordinance. Costs of said improvements shall be estimated by the County Engineer and said bond, cash deposit, or other approved surety shall be sufficient to secure to the county that said improvements will be constructed in accordance with the provisions of this ordinance.

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

Planning Commission: The appointed commission designated by the Board of Supervisors for the purpose of this ordinance, and may also be the Zoning Commission, in which case such commission shall be known as the Planning and Zoning Commission.

Plat: A map, drawing, or chart on which an owner's plan for the subdivision of land is represented, that he or she submits for approval and intends, in final form, to record.

Plat of Survey: The graphical representation of a survey of one or more tracts of land, including a complete and accurate description of each tract within the plat, prepared by a Licensed Land Surveyor.

Proprietor: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.

Resubdivision: Any further division of land that previously has been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a

Subdivisions – 6.2.2

plat of previously subdivided land.

Road: All property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easement therefore.

Street: Public property, not an alley, intended for vehicular circulation. In appropriate context the term “street” may refer to right-of-way bounded by the property lines of such public property, or may refer to paving installed within such right-of-way.

Street, Arterial: An “arterial street” is a street primarily intended to carry traffic from one part of the County to another, and not intended to provide public access to abutted property.

Street, Collector: A “collector street” is a street primarily designed to connect smaller areas of the community, and carry traffic from local streets to arterial streets.

Subdivision: The division of land into three or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term when appropriate to the context may refer to the process of subdividing or to land subdivided.

Supplier: The entity that has agreed in writing to supply the area with a sanitary sewer system.

Surveyor: A Licensed Land Surveyor who engages in land surveying pursuant to Chapter 355 of the Code of Iowa.

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

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

ARTICLE III: IMPROVEMENTS**Section:**

- 3.1 Improvements Required
- 3.2 Inspection
- 3.3 Minimum Improvements
- 3.4 Easements Required
- 3.5 Maintenance Bond required
- 3.7 Alternative Systems for Sewer and Water

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

3.2. INSPECTION: It is the responsibility of the owner to oversee the construction operations of the required improvements to assure the work performed is in accordance with the requirements of this ordinance. Therefore the developer shall provide:

- a. Quality control testing with results submitted to the County Engineer.
- b. A certification by the owner's licensed engineer the work was completed in accordance with plans and specifications and meets all applicable County standards.

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

- a. Streets: The owner of land being subdivided shall provide the grading of the entire street right of way, alley, or public place and provide appropriate paving. All shall be so constructed as to meet the standards set by the County.

Under some circumstances the County may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than necessary to meet the needs of the platted area, but necessary to complete the County street system as it relates to both the area being platted and other areas. In such event, the County will pay the owner the difference in cost of improving the wider street and the street width reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final approval and acceptance by the County, become the property of the County.

Subdivisions – 6.2.2

- b. Sanitary Sewer System: The owner of the land being platted shall make adequate provision for the disposal of sanitary sewage for the platted area with due regard being given to present or reasonably foreseeable needs. Where a public sewer system is accessible there shall be constructed, at the owner's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer manholes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or tracts of land within the platted area to a connection with a public sanitary sewer. The sanitary sewer system shall be constructed in accordance with the plans and specifications of that public system and at sewer grades as established by that public system.

Under some circumstances the County may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete a public sanitary sewer system as it relates to both the area being platted and other areas. In such event, the Supplier will pay the owner the difference in cost of pipe and installation between the larger sewer and diameter of sewer reasonable to meet the foreseeable needs of the area.

The above-mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by the public sewer system, become the property of the public sewer system.

- c. Storm Sewer System: Adequate provisions shall be made for the disposal of storm water subject to approval of the County Engineer. Storm sewers shall have a minimum diameter of eighteen (18) inches or larger as the increase of drainage area demands. Storm sewers are to be located on the low side of the street, well outside of the curb or traveled roadway line. The owner of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer shall be constructed in accordance with plans and specifications of the County and at sewer grades established by the County.

Under some circumstances the County may require, as a condition for approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the County storm sewer system as it relates to both the area being platted and other areas. In such event, the County will pay the owner the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area.

- d. Water Main System: The owner of land being platted shall install and construct a water main system to adequately serve all lots or tracts of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area.
- e. Other Improvements: The owner of the land being platted shall be responsible for grading and seeding or sodding of all lots, the planting of any required trees or shrubbery, and the installation of proper street signage and adequate street lighting.

3.4. **EASEMENTS REQUIRED:**

- a. Utility Easements: Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear and, where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. No buildings or structures except as necessary for utilities shall be permitted on such easements.
- b. Easements Along Streams or Watercourses: Wherever any stream or surface watercourse is located in an area that is being subdivided, the owner shall, at his or her 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 stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the County.

3.5. **MAINTENANCE BOND REQUIRED:** The owner of the land being platted shall be required to provide to the County, proper maintenance bonds satisfactory to the County, so as to insure that for a period of one (1) year from the date of acceptance of any improvement, the owner shall be responsible to maintain such improvement in good repair.

3.6. **ALTERNATIVE SYSTEMS FOR SEWER AND WATER:** Where the connection to a public sewer or water system cannot be reasonably made, the County may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety, and welfare, and shall meet all requirements of state, county, or other applicable health regulations. Prior to granting approval of such alternate systems, the County shall require that the owner provide to the County a waiver of assessment protest or other legally binding documents necessary to protect the County from the expense of subsequent installation of sewer or water facilities.

**ARTICLE IV: MINIMUM DESIGN STANDARDS
FOR SUBDIVISIONS**

Section:

- 4.1 Standards Prescribed
- 4.2 Land Suitability
- 4.3 Lands Subject to Flooding
- 4.4 Plat to Conform to Comprehensive Plan
- 4.5 Construction Standards for Improvements
- 4.6 Street Standards
- 4.7 Block and Lot Standards
- 4.8 Park and Open space
- 4.9 Parks and School Sites Reserved
- 4.10 Improvements to Public, Non-paved Subdivision Streets
- 4.11 Plans
- 4.12 Railroads

4.1. 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.

4.2. LAND SUITABILITY: No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formation, 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 the land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Board of Supervisors shall state its reasons in writing and afford the owner an opportunity to present data regarding such unsuitability. Thereafter, the Board of Supervisors may reaffirm, modify, or withdraw its determination regarding such unsuitability.

4.3. LANDS SUBJECT TO FLOODING: No subdivision containing land located in a floodway or a flood hazard area shall be approved by the County without the approval of the Iowa Department of Natural Resources Flood Permit Branch. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such a size and shape that it will contain a buildable area that is not within the floodway or flood hazard area, suitable for development as allowed by the zoning ordinance under the appropriate zoning classification in which the lot is located.

Land located within a flood hazard area or a floodway may be included within a plat as

follows, subject to approval of the County:

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

4.4. PLAT TO CONFORM TO COMPREHENSIVE AND OTHER PLANS: The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the County and any other such plans adopted by the County, including but not limited to Public Works Plans, Utilities Plans, Urban Revitalization Plans, Urban Renewal Plans, Neighborhood Plans, Recreation Plans, Solid Waste Plans, Economic Development Plans, Industrial Park Development Plans, and Housing Rehabilitation Plans.

4.5. CONSTRUCTION STANDARDS FOR IMPROVEMENTS: In addition to the standards set forth in this ordinance, the County Engineer shall from time to time prepare, and the Board of Supervisors shall from time to time adopt by resolution, technical standards for public improvements. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements.

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

4.6. STREET STANDARDS: The following standards shall apply to all streets to be located within the subdivision:

- a. Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector street proposed in the Comprehensive Plan or Street Plan, the plat shall provide for such street.
- b. Street grades shall align to existing streets, and all grades for streets shall

Subdivisions – 6.2.4

- be approved by the County.
- c. Arterial streets shall be located so as not to require direct access from the arterial street to abutting lots.
 - d. Street right-of-way widths and pavement widths shall be as specified in Appendix A.
 - e. Half-streets are prohibited, except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street is required.
 - f. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited, except where topography, or other physical conditions make such jobs unavoidable.
 - g. Streets shall intersect as near to right angles as possible; and no street shall intersect any other street at less than sixty degrees (60°).
 - h. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with an intersecting radius of twenty-five (25) feet to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.
 - i. Dead end streets except Cul-de-sac's are prohibited.
 - j. Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but private cul-de-sacs may be permitted. Cul-de-sacs should have a minimum diameter of one hundred (100) feet and not to exceed six hundred (600) feet in length unless a greater length is unavoidable.
 - k. In general, alleys shall be permitted in residential areas and required in commercial areas with normal street frontage. The minimum width of alleys shall be twenty (20) feet. Where alleys are not provided, easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines where necessary for poles, wires, conduit, storm and sanitary sewers, gas, water and heat mains. Dead end alleys are prohibited, unless provided with a turn-around with minimum right-of-way diameter of one hundred (100) feet.
 - l. When a tract is subdivided in larger than normal lots or tracts, such lots or tracts shall be so arranged as to permit the logical location and opening of
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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 Board of Supervisors, be made a requirement of the plat.

- m. Streets that are or will become extensions of existing streets shall be given the name as the existing streets. New street names shall not be the same or be phonetically similar to existing street names within Buena Vista County, Iowa. All street names shall be at the approval of the Board of Supervisors.
 - n. Upon the request of the developer and the recommendation of the Zoning Commission, the Board of Supervisors may designate a private road within a (R-1) Residential District when the topographical conditions such as rivers, streams, ravines, or bluffs or other similar conditions exist that would make the road's future use as a collector or local service street impractical to develop. The developer's request shall include proof of such topographical condition satisfactory to the commission. The following requirements apply to private roads only:
 - 1. Private streets shall end with a Cul-de-Sac.
 - 2. Lots having access on Private Street shall be limited to five (5).
 - 3. 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 including but not limited to the seal coat material specified in Appendix A.
 - c. such other requirements as stipulated by the County.
 - 4. No private street hereafter created shall become part of any County road systems 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.
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Subdivisions – 6.2.4

5. An agreement between the Road Association and the County Board of Supervisors 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 dedication.
6. An agreement between the Road Association and the County Board of Supervisors 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.
6. 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 irrevocable commitment 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.
 - o. Right-of- ways shall be properly seeded after grading and as needed after paving and shoulder construction. Seed mix shall be approved by the Board of Supervisors.
 - p. Resubdivision of any lot on a private road serving four (4) other lots shall be denied except for a line adjustment plat.
 - q. Additional street requirements: see Appendix A.

4.7. BLOCK AND LOT STANDARDS: The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all re-subdivisions.

- a. No residential block shall be longer than thirteen hundred (1,300) feet or shorter than three hundred (300) feet measured from street centerline to street centerline. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.
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- b. In blocks over seven hundred (700) feet in length, the Board of Supervisors may require a public way or an easement at least ten (10) feet in width, at or near the center of the block for use by pedestrians.
- c. 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.
- d. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- e. The size and shape of all lots shall comply with all requirements of the zoning ordinance for the zoning classification in which the lot is located.
- f. All lots shall abut a public street, or upon an approved private street, with a minimum frontage to meet the zoning classification setback requirements measured as a straight line between the two front lot line corners.
- g. Unless unavoidable, lots shall not front or have direct access to arterial streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- h. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Board of Supervisors, a variation to this provision will provide a better street and lot layout.
- i. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.
- j. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots will be determined to have frontage on the minor street. The Board of Supervisors may require the owner to create a buffer strip along the major street frontage if deemed necessary. This buffer strip may include various plantings or landscaping.
- k. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drainfield. No subdivision to be served by septic systems shall be approved by the Board of Supervisors until percolation tests have been performed and the results of said tests have

Subdivisions – 6.2.4

been provided to, and reported on, by the County Engineer and the Environmental Health Administrator.

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

4.9. 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 owner 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 owner between the date of reservation and the date of purchase by the public agency. Should the park site not be purchased within three (3) years, the owner may then amend the final plat.
- b. Proposed school 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 owner between the date of reservation and the date of purchase by the public agency. Should the school sites not be purchased in three (3) years, the owner may then amend the final plat.

4.10. IMPROVEMENTS TO PUBLIC, NON-PAVED SUBDIVISION STREETS:

- a. All secondary road improvements in existing subdivisions will be done in accordance with Section 311.6 and 311.7 of the Code of Iowa, and will be requested by petition as outlined in said sections.

- b. The full cost of all improvements will be the responsibility of the owners of the land included in the petition.
- d. The County will be responsible for the costs of design, engineering, inspection and the approval of all improvements, including the requirements of Section 311.8 of the Code of Iowa. This approval will also be contingent upon existing site preparation, material specifications, and design requirements of the County.
- e. Petitioner shall provide a recommendation for the equitable apportionment of the estimated cost of the improvement among the tracts of real estate included in the proposed district.

4.11. PLANS: All plans, specifications, installation, and construction required by these regulations shall be subject to review, approval, and inspection by the County Engineer or authorized representative. The owner shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction; and shall notify the County Engineer, not less than twenty-four (24) hours in advance of readiness of required inspections.

4.12. RAILROADS: If a railroad is involved, the subdivision plans should provide for one of the following:

- a. Be so arranged as to permit, where necessary, future grade separation at highway crossing of the railroad.
- b. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.
- c. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.

ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS FOR MAJOR SUBDIVISION PLATS

Section:

- 5.1 Pre-Application Conference
- 5.2 Sketch Plan Required
- 5.3 Presentation to Planning Commission or Board of Supervisors
- 5.4 Plats Required
- 5.5 Requirement of the Preliminary Plat
- 5.6 Procedures for Review of Preliminary Plats
- 5.7 Duration of Approval of Preliminary Plat
- 5.8 Authorization to Install Improvements
- 5.9 Completion and Acceptance of Improvements
- 5.10 Performance Bond Permitted
- 5.11 Requirement of Final Plat
- 5.12 Attachments to the Final Plat
- 5.13 Procedures for the Review of Final Plats

5.1. Pre-Application Conference: Whenever a subdivision located within the platting jurisdiction of the County is proposed, the owner shall schedule a pre-application conference with the County Zoning Administrator. The conference should be attended by the Zoning Administrator and such other County or Utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable.

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

5.2. Sketch Plan Required: For the pre-application conference, the owner 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.

5.3. Presentation to the County Planning and Zoning Commission: The owner may present the sketch plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

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

5.5. Requirements of the Major Subdivision Preliminary Plat: The owner shall

prepare and file with the Zoning 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 eight and one half inches by fourteen inches (8.5" X 14"). 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 show, or have attached thereto, the following:

- a. Title, scale, north compass point, and date.
- b. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County.
- c. The name and address of the owner and the name, address and the profession of the person preparing the plat.
- d. A key map showing general location of the proposed subdivision in relation to surrounding development.
- e. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining tract of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- f. The location of property lines, streets, alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.
- 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) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.
- i. The legal description of the area being platted.
- j. The boundary of the area being platted.
- k. he layout, numbers, and approximate dimensions of proposed lots.
- l. The location, width, and dimensions of all streets and alleys proposed to be dedicated for public use.

Subdivisions – 6.2.5

- 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 lines, and other facilities.
- o. Proposed easements, showing locations, widths, purposes, and limitations.
- p. Tracts of land proposed to be dedicated or reserved for schools, parks, playgrounds, 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 into the final plat.
- r. Any other pertinent information, as necessary.
- s. The fee, as required by this ordinance.

5.6. Procedures for Review of Major Subdivision Preliminary Plats:

- a. The Zoning Administrator, upon receipt of five (5) copies of the preliminary plat, shall forward one copy to the Board of Supervisors, shall retain one copy for public inspection, and forward one copy to the County Engineer, and shall schedule the plat for consideration by the Planning and Zoning Commission and the Board of Supervisors.
 - b. The Zoning Administrator shall provide copies of the Plat to such persons as necessary to review the plat.
 - c. The County Engineer and Zoning Administrator 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 owner.
 - d. The Planning and Zoning Commission shall examine the plat and the report of the County Engineer, the Zoning Administrator, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the Comprehensive Plan and other duly adopted plans of the County and shall set forth their findings in writing. A copy of the findings shall be provided to the owner.
 - e. The Board of Supervisors shall examine the plat, the report of the County Engineer, the Zoning Administrator, the report of the Planning
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Commission, and such other information, as it deems necessary or desirable. Upon such examination, the Board of Supervisors shall ascertain whether the plat conforms to the ordinances of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, and will be conducive to the orderly growth and development of the County; in order to protect the public health, safety, and welfare.

- f. Following such examination, the Board of Supervisors may approve, approve subject to conditions, or disapprove the plat. If the decision of the Board of Supervisors is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official record of the Board of Supervisors, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Board of Supervisors shall be taken within sixty (60) days of the filing of the plat with the Board of Supervisors.

5.7. Duration of Approval of the Major Subdivision Preliminary Plat: The approval of a preliminary plat by the Board of 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 owner shall take no action requiring the precedent approval of a preliminary plat except upon application for approval of an extension of such period of validity, by the Board of Supervisors.

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

5.9. Completion and Acceptance of Improvements: Before the Board of Supervisors will approve the final plat; all of the foregoing improvements shall be constructed and accepted by formal resolution of the Board of Supervisors. Before passage of said resolution of acceptance, the County Engineer shall report said improvements meet all County specifications and ordinances or other County requirements, and the agreements between the owner and the County.

5.10. Performance Bond Permitted: In lieu of the requirement that improvements be completed prior to approval of the final plat, the owner may post a performance bond with the County, guaranteeing that improvements not completed shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been

completed.

5.11. Requirement of Major Subdivision Final Plat: The owner shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Board of Supervisors, through the Zoning Administrator, ten (10) copies of the final plat and required attachments, as set forth in this ordinance. No major subdivision final plat shall be considered by the Board of Supervisors until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1"=100') or larger. Sheet size shall not exceed eight and one-half inches by fourteen inches (8½"x14") nor be smaller than eight and one-half inches by eleven inches (8½"x11"). 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 final plat shall be clearly marked " Final Plat" and show, or have attached thereto, the following:

- a. Scale, and a graphic bar scale, north compass point, and date on each sheet.
 - b. Name of the subdivision.
 - c. The name and address of the owner and the name, addresses and profession of the person preparing the plat.
 - d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.
 - e. Sufficient survey data to positively describe the bounds of every lot, block, street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
 - f. All distance, bearing curve, and other survey data, as required by Chapter 355 of the Code of Iowa.
 - g. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle
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following the name of the subdivision wherever it 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 confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed with the plat.
- l. All interior excepted tracts clearly indicated and labeled, “not a part of this plat.”
- m. A strip of land shall not be reserved by the owner unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.
- n. 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.
- o. The plat shall be certified by a Licensed Land Surveyor.

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

- a. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
- b. An attorney’s opinion showing that the fee title to the subdivision land is in the owner’s name, holders of mortgages, and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgments, attachments, or mechanics or other liens of record.
- c. The encumbrance bond, if any.

Subdivisions – 6.2.5

- d. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- e. A certificate by the County Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, “as built” plans for all improvements shall have been provided to the County Engineer. In lieu thereof, the Board of Supervisors may certify that a performance bond guaranteeing completion has been approved by the County Attorney and filed with the Clerk, or that the Board of Supervisors has agreed that the County will provide the necessary improvements and installations and assess the costs against the owner of future property owners in the subdivision.
- f. Where improvements have been installed, a resolution accepting and approving such improvements along with the maintenance’s bond required by this ordinance.
- g. If private streets or other private improvements have been approved, an agreement in a form approved by the County Attorney, providing for the construction or reconstruction of any improvements to meet County standards, and the assessment of all costs to the property owners in the event of dedication and acceptance, shall be required.
- h. A resolution and certificate for approval by the Board of Supervisors and for signatures of the Chair and Auditor.
- i. A resolution and certificate of approval by the Council with signatures of the Mayor and Clerk of any Subdivision within two (2) miles of a city requiring approval of said subdivision.
- j. The applicable fee, if any.

5.13. Procedures for Review of Final Plats:

- a. The Zoning Administrator, upon receipt of ten (10) copies of the final plat, shall file one copy in the records of the County, shall forward one copy to the Board of Supervisors, shall retain one copy for public inspection, and forward three copies of the plat to the County Engineer, and shall schedule the plat for consideration by the Board of Supervisors.
 - b. The Zoning Administrator shall provide copies of the Plat to such persons as necessary to review the plat.
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- c. The County Engineer and Zoning Administrator 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 owner.
- d. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Board of Supervisors for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning and Zoning Commission for review, prior to viewing by the Board of Supervisors. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors within forty-five (45) days of the filing of the plat with the Zoning 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 owner.
- e. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and the other duly adopted plans of the County, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law.
- f. Action on the final plat by the Board of Supervisors shall be taken within sixty (60) days of the date of filing the plat with the Zoning Administrator. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the owner.

ARTICLE VI: PROCEDURES AND SUBMISSION REQUIREMENTS FOR MINOR PLATS

Section:

- 6.1 Pre-Application Conference
- 6.2 Sketch Plan Required
- 6.3 Presentation to Planning Commission
- 6.4 Plats Required
- 6.5 Requirement of the Plat
- 6.6 Attachments to the Plat
- 6.7 Procedures for the Review of Plats

Subdivisions – 6.2.5

6.1. Pre-Application Conference: Whenever a subdivision located within the platting jurisdiction of the County is proposed, the owner shall schedule a pre-application conference with the County Zoning Administrator. The conference should be attended by the Zoning Administrator and such other County or Utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable, and approved by the County Board of Supervisors.

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

6.2. Sketch Plan Required: For the pre-application conference, the owner shall provide a map or sketch showing the location of the subdivision, improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area.

6.3. Presentation to the County Planning and Zoning Commission: The owner may present the sketch plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the plat.

6.4. Plats Required: In order to secure approval of a proposed subdivision, the owner shall submit to the County, plats and other information as required by this ordinance. The owner of a minor subdivision shall comply with the requirements for a minor subdivision plat.

6.5. Requirement of Plat: The owner shall prepare and file with the Board of Supervisors, through the Zoning Administrator, ten (10) copies of the plat and required attachments, as set forth in this ordinance.

The plat shall be drawn at a scale of one inch equals one hundred feet (1"=100') or larger. Sheet size shall not exceed eight and one-half inches by fourteen inches (8½"x14") nor be smaller than eight and one-half inches by eleven inches (8½"x11). 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 plat shall be clearly marked " Final Plat" and show, or have attached thereto, the following:

- a. Title, a graphic bar scale, north compass point, and date on each sheet.
- b. Name of the subdivision that shall not duplicate or resemble existing subdivision names.

- c. The name and address of the owner and the name, addresses and profession of the person preparing the plat.
- d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.
- e. Sufficient survey data to positively describe the bounds of every lot, block, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.
- f. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining tract of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- g. All distance, bearing curve, and other survey data, as required by Chapter 355 of the Code of Iowa.
- h. Block and lot numbers, as needed.
- i. Accurate dimensions for any property to be dedicated or reserve for public use, and the purpose for which such property is dedicated or reserved for public use.
- j. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed with the plat.
- k. All interior excepted tracts clearly indicated and labeled, “not a part of this plat.”
- l. A strip of land shall not be reserved by the owner unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.
- m. 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.
- n. The plat shall be certified to by a Licensed Land Surveyor.

6.6. Attachments to the Plat: The following shall be attached to and accompany the plat:

Subdivisions – 6.2.6

- a. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgments of deeds.
- b. An attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgments, attachments, or mechanics or other liens of record.
- c. The encumbrance bond, if any.
- d. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- e. A resolution and certificate for approval by the Board of Supervisors and for signatures of the Chair and Auditor.
- f. A resolution and certificate of approval by the Council with signatures of the Mayor and Clerk of any Subdivision within two (2) miles of a city requiring approval a said subdivision.
- g. The applicable fee, if any.

6.7. Procedures for Review of Plats:

- a. The Zoning Administrator, upon receipt of ten (10) copies of the plat, shall file one copy in the records of the County, shall forward one copy to the Board of Supervisors, shall retain one copy for public inspection, forward three copies of the plat to the County Engineer, and shall schedule the plat for consideration by the Planning and Zoning Commission and the Board of Supervisors.
 - b. The Zoning Administrator shall provide copies of the Plat to such persons as necessary to review the plat.
 - c. The County Engineer and Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County and shall set forth their findings in writing. A copy of the findings shall be provided to the owner.
 - d. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors
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within forty-five (45) days of the filing of the plat with the Zoning 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 owner.

- e. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County, the Comprehensive Plan and the other duly adopted plans of the County, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law.
- f. Action on the plat by the Board of Supervisors shall be taken within sixty (60) days of the date of filing the plat with the Zoning Administrator. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the owner.

**ARTICLE VII: PROCEDURES AND SUBMISSION REQUIREMENTS
FOR LINE ADJUSTMENT PLATS**

Section:

- 7.1 Plats Required
- 7.2 Requirements of a Line Adjustment Plat
- 7.3 Attachments to the Line Adjustment Plat
- 7.4 Procedures for the Review of Line Adjustment Plats

7.1. Plats Required: In order to secure approval of the proposed subdivision, the owner shall submit to the County, a plat of survey.

7.2. Requirements of the Line Adjustment Plat: The owner shall prepare and file with the Zoning Administrator of Buena Vista County one (1) copy of the plat of survey.

Information on the Plat of Survey shall include:

- a. The name of the proprietor.
- b. An accurate description of each parcel.
- c. The total acreage of each parcel.
- d. The total acreage of any portion lying within a public or private road right-of-way.
- e. A parcel letter designation by the County Auditor.
- f. All survey data, as required by Chapter 355 of the Code of Iowa.
- g. An area of 2 inches by 4 inches left blank for use by the Zoning Administrator.

The remaining portion of the lot shall not require a new survey, unless required by the Buena Vista County Auditor.

7.3. Attachments to the Line Adjustment Plat:

- a. A certificate by the owner that the subdivision is with his free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgments of deeds.

- b. A certificate from the transferee the new lot created is permanently attached to the transferee's existing lot for development purposes and no new building right is created. This certificate must be signed and acknowledged by the transferee and spouse before an officer authorized to take the acknowledgments of deeds.
- c. An attorney's opinion showing that the fee title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgments, attachments, or mechanics or other liens of record.
- d. The applicable fee, if any.

7.4. Procedures for Review of Line Adjustment Plats:

- a. The Zoning Administrator, upon receipt of the copy of the line adjustment plat, shall review for compliance to this ordinance, and shall set forth the finding in writing and forward the plat and findings to the County Engineer.
- b. The County Engineer shall examine the line adjustment plat as to its compliance with the ordinances and standards of the County, and shall set forth his findings in writing. A copy of the findings shall be provided to the owner.
- c. Action on the line adjustment plat by the Zoning Administrator and County Engineer shall be taken within fifteen (15) days of the date of filing the plat with the Zoning Administrator. If the Zoning Administrator and County Engineer both find the line adjustment plat substantially conforms to the ordinances and standards of the County, the line adjustment plat shall be stamped by the Zoning Administrator:

and returned to the owner or the owner's designee to be filed with the County Recorder. The Board of Supervisors may adopt, certify and file with the County Recorder a standing resolution that waives the right of such Board to review any line adjustment plat bearing the stamp of the Zoning Administrator shown above in this paragraph c. The County Recorder may rely on such a certified and recorded standing resolution, so long as the resolution remains in effect, and shall file the line adjustment plat for record if the Zoning Administrator has affixed such stamp to the line adjustment plat and the legal prerequisites for recording the line adjustment plat, other than the requirement of an accompanying certified resolution approving the plat, have been satisfied. Any resolution

Subdivisions – 6.2.7

repealing or modifying such a standing resolution shall also be certified and filed of record with the County Recorder.

- d. If the County Engineer and Zoning Administrator do not find that the line adjustment plat conforms to the ordinances and standards of the County, the Zoning Administrator shall forward such plat to the Board of Supervisors. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and the other duly adopted plans of the County, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the owner.

**ARTICLE VIII: PROCEDURES AND SUBMISSION
REQUIREMENTS FOR PLATS OF SURVEY**

Section:

- 8.1 Plats of Survey Required
- 8.2 Requirements of Plats of Survey
- 8.3 Attachments to the Plats of Survey
- 8.4 Procedures for the Review of Plats of Survey
- 8.5 Exception

8.1. Plats Required: A landowner who divides a lot, tract, or parcel of land for the purpose, whether immediate or future, of transfer of ownership or building development, shall prepare a plat of survey for the Zoning Administrator.

8.2. Requirements of Plat of Survey: Information on the plat shall include everything required in Chapters 354 and 355, Code of Iowa, including the following:

- a. The name of the proprietor.
- b. An accurate description of each parcel.
- c. The total acreage of each parcel.
- d. The total acreage of any portion lying within a public or private road right-of-way
- e. A parcel letter designation by the County Auditor.
- f. An area of 2 inches by 4 inches left blank for use by the Zoning Administrator.

The remaining portion of the lot shall not require a new survey, unless required by the Buena Vista County Auditor.

8.3. Attachments to the Plat:

- a. The applicable fee, if any.

8.4. Procedures for Review of Plats:

- a. The Zoning Administrator, upon receipt of the copy of the plat of survey, shall review for compliance to this and the zoning ordinance. Action on the plat by the Zoning Administrator shall be taken within three (3) days of receipt the plat. If the plat is found to substantially conform to the

Subdivisions – 6.2.8

ordinances and standards of the County, the Zoning Administrator shall stamp the plat:and return it to the owner or the owner’s designee to be filed with the County Recorder.

- b. If the plat is found not to conform to the ordinances and standards of the County, it shall be referred to the Board of Supervisors for review. 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 owner.

ARTICLE IX: OTHER PROVISIONS**Section**

- 9.1 Variances
- 9.2 Repeal and Saving Clause
- 9.3 Severability Clause
- 9.4 Changes and Amendments
- 9.5 Ordinance Not to Limit Other Ordinances
- 9.6 Approval

9.1. Variances: Where in the case of a particular proposed subdivision, it can be shown that a strict compliance with the requirements of this ordinance would result in extraordinary hardship to the owner, because of unusual topography or other conditions, the Board of 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 any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Board of Supervisors may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

9.2. Repeal and Saving Clause: Effective on the Effective Date of this Ordinance the Buena Vista County Subdivision Ordinance, enacted June 13th, 1966, is repealed. The repeal of said Ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said Ordinance or any part thereof, and such Ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for enforcement of such penalty, forfeiture or liability.

9.3. 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.

9.4. Changes and Amendments: This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board of Supervisors, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four (4) nor more than twenty (20) days before the date of hearing.

9.5. Ordinance Not to Limit Other Ordinances: Nothing contained herein shall serve

Subdivisions – 6.2.9

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.