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LAND SUBDIVISION REGULATIONS MITCHELL COUNTY, IOWA

An ordinance providing rules, regulations and standards to guide land subdivision in Mitchell County, Iowa.

ARTICLE I TITLE

SECTION 100. This ordinance shall be known and may be cited and referred to as the "Mitchell County, Iowa, Subdivision Regulations."

ARTICLE II PURPOSE AND INTENT

SECTION 200. The regulations set forth in this ordinance provide standards for the subdivision of lands in the unincorporated area of Mitchell County in order to provide for orderly, harmonious, and coordinated development within the County and to further promote the health, safety, and general welfare of residents of Mitchell County by insuring the proper use of land and adequate provision of essential services and facilities.

ARTICLE III ADMINISTRATION

SECTION 300. The provisions of this ordinance shall be administered by the Planning and Zoning Commission, the Administrative Officer, and the County Board of Supervisors. Plats shall be reviewed by the Administrative Officer to assure conformance to the regulations set forth in this ordinance.

ARTICLE IV DEFINITIONS

SECTION 400. For the purposes of this ordinance the language used herein shall be in accordance with the following rules:

400.1 The singular number shall include the plural and the plural the singular. The masculine gender shall include the feminine and neuter genders.

400.2 The use of the present tense shall include the past and future tense, and the future shall include the present.

400.3 The word "shall" is mandatory, the word "may" permissive, the word "should" is suggestive.

400.4 The word "building" shall include the word "structure."

SECTION 401. For the purpose of this Ordinance, all words shall carry their customary meanings, except as specifically defined hereinafter:

401.1 ADMINISTRATIVE OFFICER: The individual designated by the County Board of Supervisors to administer this ordinance and enforce the regulations imposed by said ordinance.

401.2 ALLEY: A public or private way affording a secondary means of access to abutting property.

401.3 ARTERIAL STREET: A public right-of-way with a high degree of continuity which serves the movement of large volumes of traffic between various districts.

401.4 BOARD: The County Board of Supervisors.

401.5 BUILDING LINE: A line designating the allowable proximity of a building with an adjacent street, alley or property line.

401.6 COLLECTOR STREET: A street which carries traffic from minor streets to an arterial, including the principal entrance streets of a residential development and streets for basic circulation within such a development.

401.7 COMMISSION: The County's Planning and Zoning Commission.

401.8 COMPREHENSIVE PLAN: The composite of the functional and geographic elements of the determined goals and objectives of the County for the harmonious future development thereof; in the form of plans, maps, charts and text material as adopted by Mitchell County, entitled "A Comprehensive Development Plan for Mitchell County."

401.9 CUL-DE-SAC: A minor street having one (1) open end and being permanently terminated at the other end by a vehicular turnaround.

401.10 EASEMENT: A grant by a property owner of the specific use of land to the public generally or to person or persons.

401.11 ENGINEER: The County's Registered Professional Engineer, whether that person be a County employee or retained by the County for the necessary functions herein defined.

401.12 FINAL PLAT: A map or plan of a subdivision, and any accompanying material as described in Section 601 of the Subdivision Regulations.

401.13 HALF STREET: A street bordering one (1) or more property lines of a tract of land in which the developer has allocated but part of the ultimate right-of-way width.

401.14 LOT: A portion of a subdivision or other parcel of land intended as a unit for the purpose of transfer of ownership or for building development.

401.15 MARGINAL ACCESS STREET: A minor street which is parallel and adjacent to an arterial, and which provides access to abutting properties and protection from through traffic.

401.16 MINOR STREET: A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.

401.17 PEDESTRIAN WAY: A right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way or a crosswalk or other.

401.18 PERSON: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

401.19 PLAT: A map, drawing, plan or chart of a subdivision.

401.20 PRELIMINARY PLAT: A tentative map or plan of a proposed subdivision.

401.21 PROTECTIVE COVENANTS: Contracts entered into between private parties and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development.

401.22 ROADWAY: The paved, surfaced, or otherwise developed portion of a street available for vehicular traffic.

401.23 STREET: A right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties.

401.24 SUBDIVIDER: Any person commencing proceedings, under this Ordinance, for himself or for another.

401.25 SUBDIVISION: The division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that the division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision. The term includes a resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**ARTICLE V
PROCEDURE FOR PLAT APPROVAL**

SECTION 500. PRE-PLATTING CONFERENCE

500.1 Before subdividing any tract of land and previous to the filing of an application for conditional approval of the Preliminary Plat, the Subdivider and his land surveyor or engineer should meet with the Administrative Officer and/or the County Engineer and discuss their plans. This step does not require formal application, fee, or filing of plat.

Advice to Subdivider:

The purpose of the "Pre-platting Conference" is to afford the Subdivider an opportunity to avail himself of the advice and assistance of the Administrative Officer and the County Engineer, and to consult early and informally with them before preparation of the Preliminary Plat.

The Subdivider should also consult with parties potentially interested in the development or with the ultimate users of the development, such as lending and mortgage insurance institutions, with a view to reaching, at this initial state, firm conclusions regarding what part of the market demand should be served, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, lots and other features of the proposed development.

SECTION 501. PRELIMINARY PLAT PROCEDURE

501.1 On reaching conclusions, informally as recommended in Section 500, regarding the general program and objectives, the Subdivider shall cause to be prepared a Preliminary Plat, together with improvement plans and other supplementary material as specified in Article VI, Section 600.

501.2 Ten (10) prints of the Preliminary Plat shall be submitted to the Administrative Officer at least thirty (30) days prior to the Commission meeting at which consideration is desired. The Administrative Officer shall immediately refer a copy to each member of the Commission and one (1) copy to the County Engineer upon receipt of a Preliminary Plat.

501.3 The Commission shall notify the owner or Subdivider as to the time and place of the meeting at which the plat and plan will be studied. The Commission may direct that the owner or Subdivider attend any deliberation on the submitted plat.

501.4 The Commission shall study and act on the Preliminary Plat and the County Engineer shall study said plat and plans in regard to street layout, design and the provision for water and sewerage as prepared by a Registered Professional Engineer, and make a recommendation on these aspects to the Commission. If the Commission disapproves a plat, the reasons for disapproval shall be remedied prior to further consideration. Final approval of any private water and sewage disposal system must be obtained from the County Board of Health.

501.5 If the Commission acts favorably on a Preliminary Plat, a notation to that effect shall be made on the plat above the signature of the Chair and Secretary and it shall be referred to the Board for action. The Board shall act within thirty (30) days. Its action shall be noted on the plat, signed by the Chair and returned to the Subdivider for preparation of the Final Plat.

501.6 Conditional approval of Preliminary Plat shall confer upon the applicant the following rights for a one (1) year period from the date of approval:

- A. That the general terms and conditions under which the preliminary approval was granted will not be changed.
- B. That the said applicant may submit on or before the expiration date the whole or part or parts of said plat for final approval.

SECTION 502. FINAL PLAT PROCEDURE

502.1 Before consideration of a final subdivision plat, the Subdivider shall have included the improvements required under Article VIII or the Commission shall require the posting of adequate performance guarantees with the Administrative Officer to assure the installation of the required improvements within one (1) year after final approval of the plat. See following Section 502.2.

502.2 Ten (10) copies and the original tracing of the Final Plat shall be submitted to the Administrative Officer at least thirty (30) days prior to the date of a regular Commission meeting for forwarding to the Commission for final approval. Each proposed Final Plat shall be accompanied by a certified check in the amount set by the Board of Supervisor's resolution, which shall cover or off-set the administrative costs involved on such Final Plat. The Administrative Officer shall immediately refer a copy of said plat to each member of the Commission and one (1) copy to any city affected by the provisions of Section 354.9 of the Code of Iowa and one (1) copy to the County Engineer upon receipt of a Final Plat. The Commission shall be assisted by the County Engineer's recommendations and shall act upon the Final Plat.

502.3 Unless the Preliminary Plat is approved without changes, the Final Plat shall have incorporated all changes or modifications required by the Commission. The Final Plat shall be accompanied by a statement from the County Engineer that a map has been received showing all utilities in exact location and elevation, identifying those portions to be installed, and that the Subdivider has complied with the following:

A. A performance bond, executed by the Subdivider and by a surety company authorized to do business in the State of Iowa, or an escrow account which must be countersigned by both the Subdivider and the County, has been posted with the Administrative Officer in sufficient amount to assure the completion of required improvements within one (1) year after final approval of the plat. The amount of the bond or escrow shall not be less than the estimated cost of the improvement as determined by a Registered Professional Engineer acting for the Subdivider which shall also have the approval of the County Engineer.

502.4 If Final Plat approval is granted by the Commission it shall be recorded on the plat over the signature of both the Chair and Secretary of the Commission and the Commission shall then forward the plat to the Board for final approval. The plat shall be accompanied by a statement concerning the dedication or exclusion of all streets, alleys, ways, easements, parks or outlots either preserved or reserved for public or private use.

502.5 If the Commission does not approve the Final Plat of a subdivision the Board may approve the plat including the dedication or exclusion statement by unanimous favorable vote by the entire membership of the Board.

502.6 Upon final approval, the Board shall record such approval on the plat over the signature of the Chair and the certification of the County Auditor. Copies of the approved Final Plat shall be filed with the following:

- A. County Planning and Zoning Commission.
- B. Administrative Officer.
- C. County Engineer.
- D. Two (2) copies to Owner or Subdivider.
- E. One (1) copy to any city affected by the provisions of Section 354.9 of the Code of Iowa.

502.7 After final approval by the Board, the Commission shall notify the owner or the Subdivider, and the Subdivider shall cause said plat to be filed with the County Recorder of Mitchell County, Iowa, as provided by the Code of Iowa, and shall file satisfactory evidence of such recording in the office of the Administrative Officer of Mitchell County, Iowa, before the County shall recognize the plat as being in full force and effect.

ARTICLE VI SPECIFICATIONS FOR PLATS AND PLANS

SECTION 600. PRELIMINARY PLAT

600.1 The Preliminary Plat shall be drawn on suitable tracing paper or other material of suitable quality with black ink or graphite pencil at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all the following existing and proposed data and conditions:

600.2 Date, scale and north arrow.

600.3 Location of the plat by quarter, quarter section, section, town and range and any other necessary legal description to describe the boundary line of the proposed subdivision.

600.4 The total area of proposed subdivision.

600.5 Proposed name of subdivision and names and addresses of owner or Subdivider of tract and Engineer or person preparing plat and information.

600.6 Topographic map of the area showing contours as follows;

<u>General Slope of Land</u>	<u>Contour Interval</u>
Less than 7%	2 feet
7% through 15%	5 feet
Over 15%	10 - 20 feet
All over 25% shall be clearly indicated	

600.7 Water elevations of adjoining lakes, rivers and streams at date of survey and their high and normal water elevations. All elevations shall, when possible, refer to established Geodetic Survey and/or United States Geodetic Survey Datum.

600.8 Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

600.9 Present zoning district classification of land to be subdivided and all adjacent lands; and the proposed zoning district classification for the land to be subdivided if a change is intended.

600.10 Location, widths and names of all existing, platted, or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, private or public drainage facilities, permanent buildings and structures, section and township lines and such other data as may be required by the Commission within the area being subdivided and within three hundred (300) feet of the exterior boundaries thereof.

600.11 Location, size and flow elevations of existing sanitary and storm sewer and culverts; location and size of water mains, gas lines and other underground facilities within the area being subdivided and within three hundred (300) feet of the exterior boundaries thereof. Also to include location of fire hydrants, electric and telephone lines, underground or poles, and street lights.

A complete report of the availability of the facilities listed above in 600.11 and within three hundred (300) feet of the area being subdivided shall also be provided.

600.12 Exterior boundaries of the land being subdivided.

600.13 The layout and width and name of all proposed streets and rights-of-way and easements, whether public or private, for public and private utilities. Street names shall be identical to existing street names if the proposed street is an extension of the existing street.

600.14 Proposed layout and dimension of all lots, including building lines.

600.15 Radii of all curves and lengths of all tangents.

600.16 Directional drainage arrows shall be shown to define the proposed surface drainage of all streets with spot elevations given in critical areas and where severe cuts or fills are proposed.

600.17 Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of such dedication or reservation.

600.18 Location and type of water and sanitary treatment facility site if community water and/or sanitary treatment facilities are being proposed.

600.19 Percolation test results shall be required where individual sanitary facilities are proposed. Soil borings, a minimum of one (1) for every acre to indicate depth to water table and rock formation, shall also be required. Final approval of any private water and sewage disposal system must be obtained from the County Board of Health.

600.20 Soil types shall be determined from the United State Department of Agriculture, Soil Conservation Service data.

600.21 Average depth to water table and bed rock shall be indicated when appropriate.

SECTION 601. FINAL PLAT

601.1 Every plat of a subdivision offered for record shall conform to Section 354.6 of the Code of Iowa and all of the following provisions where applicable.

601.2 The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the County Recorder, Assessor and Auditor. The original plat drawing shall remain the property of the registered land surveyor.

601.3 The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen (18) inches by twenty-four (24) inches nor less than eight and one-half (8 1/2) inches by eleven (11) inches.

601.4 Whenever more than one (1) sheet is used to accurately portray the lands subdivided, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.

601.5 A maximum scale of one hundred (100) feet to one (1) inch shall be used unless permission to use a different scale is obtained in writing from the local governing body. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.

601.6 Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.

601.7 An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat.

601.8 All monuments to be of record shall be adequately described and clearly identified on the plat.

601.9 Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.

601.10 All distances shall be shown in feet to the nearest one hundredth (1/100th) of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

601.11 The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.

601.12 Curve data shall be stated in terms of radius, central angle and tangent, or length of curve, and unless otherwise specified by local ordinance, curve data for streets of uniform width may be shown only with reference to the center line, and lots fronting on such curves may show only the chord bearing and distance of such portion of the curve as is included in their boundary. In all other cases, the curve data must be shown for the line affected.

601.13 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.

601.14 When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. In all cases, the true boundary shall be clearly indicated on the plat.

601.15 All interior excepted parcels shall be clearly indicated and labeled, "not a part of this plat."

601.16 All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

601.17 The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance shall be approved by the governing or jurisdictional body prior to the recording of the plat.

601.18 A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the governing body.

601.19 The purpose of all areas dedicated to the public must be clearly indicated on the plat.

601.20 The plat shall contain a statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa registration number or seal.

601.21 When a proposed entrance to the subdivision is onto a controlled access road, the approval of the County Engineer regarding such entrance shall accompany the Final Plat. Where such control is exercised by the Iowa State Department of Transportation, the approval of this body shall accompany the Final Plat.

601.22 Every plat shall be accompanied by a complete abstract of title and an opinion from an attorney-at-law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by the bond provided for in Section 502.3 of this Ordinance; and a certified statement from the Treasurer of the County that it is free from taxes.

601.23 A Certificate by the owner or owners dedicating to the public for full public use all streets and street rights-of-way and other lands designated as "Dedicated to Public" and the granting of utility easements as shown on the plat shall accompany the Final Plat.

601.24 A Certificate of Approval by the Commission, the County Engineer and the Board.

ARTICLE VII SUBDIVISION DESIGN STANDARDS

SECTION 700. STREETS

700.1 The arrangement, character, extent, width, grade, and location of all streets shall conform to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets and shall be subject to the approval of the County Engineer.

700.2 Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
- B. Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographic or other conditions make continuance of conformance to existing streets impracticable.

700.3 Minor streets shall be so laid out that their use by through traffic will be discouraged.

700.4 Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets on reverse frontage lots with screen planting contained in a non-access reservation along the rear property line or deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of the residential or other proposed properties and to afford separation of through and local traffic.

700.5 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

700.6 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the County under conditions approved by the Commission.

700.7 Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.

700.8 When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred fifty (150) feet for minor and collector streets, and of such greater radii as the County Engineer shall determine for special cases.

700.9 Streets shall be laid out so as to intersect at ninety (90) degree angles.

700.10 When the Commission finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet or they may permit comparable chords in lieu of the rounded corner.

700.11 Streets shall have a minimum sixty-six (66) foot right-of-way with a 2-to-1 foreslope and a 2-to-1 backslope. There is to be a minimum roadway width of twenty-seven (27) feet plus adequate width to allow surface water to move without covering the driving surface. A twenty-eight (28) foot roadway width is recommended. Minimum roadway widths may be reduced at the discretion of the Commission, but in no case shall the roadway be reduced to less than twenty-one (21) feet. Additional right-of-way widths may be required at the discretion of the County for certain arterial and/or collector streets.

700.12 Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. The other half of the street shall be platted within such tract.

700.13 Dead-end streets shall not be longer than six hundred (600) feet except that the Commission may approve a maximum length not to exceed one thousand (1,000) feet with a turnaround having an outside roadway diameter of at least one hundred twenty (120) feet. Dead-end streets may end in a T or Y if adequate justification for future development is presented.

700.14 No street names 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 Mitchell County E-911 Service Board.

700.15 Street grades shall be subject to approval of the County Engineer but, wherever feasible, shall not exceed standard engineering specifications.

700.16 No street grade shall be less than 0.4 percent where drainage is carried within the traveled roadway.

SECTION 701. ALLEYS

701.1 Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

701.2 Alleys shall not be permitted in a residential district unless deemed necessary by the Commission.

701.3 The minimum width of an alley shall be twenty (20) feet.

701.4 Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

701.5 Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Commission.

SECTION 702. EASEMENTS

702.1 Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be not less than five (5) feet in width on each side of all rear lot lines and side lot lines where necessary for underground wires and conduits or poles and wires, storm sewer and sanitary sewers, gas, water and heat mains. Greater width easements may be required in some cases.

702.2 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

SECTION 703. BLOCKS

703.1 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 deems necessary to ensure efficient use of land or desired features of street layout.

SECTION 704. LOTS

704.1 All lots shall front on a public street or road for a minimum distance of fifty (50) 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.

704.2 The minimum dimensions for lots shall be in accordance with the bulk regulations of the Zoning 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.

704.3 Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the Zoning Ordinance.

704.4 Double frontage and reverse frontage 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.

704.5 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.

704.6 Large Lot Subdivisions. Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be 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 and functional arrangement of smaller lots.

SECTION 705. PUBLIC SITES AND OPEN SPACES

705.1 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 Commission may require the designation of such open space within the proposed subdivision for school, park, recreation, or other public purposes.

SECTION 706. UTILITIES

706.1 The source of domestic water supply and type of sewage disposal shall accompany each plat for the approval or disapproval of the Commission, the County Board of Health, the County Engineer, and the Board of Supervisors.

ARTICLE VIII REQUIRED IMPROVEMENTS

SECTION 800. MONUMENTATION

800.1 Prior to the offering of the plat of any subdivision for record, the registered land surveyor shall confirm the prior establishment of permanent control monuments at each controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the registered land surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two (2) permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The registered land surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the registered land surveyor to the top of the monument.

800.2 Other monuments established prior the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in Subsection 1 of this section.

800.3 Monuments other than the permanent control monuments required in Subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the surveyor's statement on the plat that the additional monuments required by this chapter or by any local ordinance shall be established before a date specified in the statement or within one (1) year from the date the plat is signed by the registered land surveyor, whichever is earlier.

800.4 Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in Subsection 1 of this section, and shall be set at all of the following locations whether set prior to the recording of the plat, or subsequent to such recording.

- A. At every corner and angle point of every lot, block, or parcel of land created.
- B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad, or other way.
- C. At every point of curve, tangency, reversed curve or compounded curve on every right-of-way line established.

When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the registered land surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

SECTION 801. STREET CONSTRUCTION

801.1 The Subdivider shall grade and improve all streets and alleys (if any) within the subdivision according to County specifications.

801.2 The surfacing of such streets and alleys shall be developed to conform with specifications which are adopted and required by the County Engineer and the Board. Width of the traveled portion of the roadway shall conform to the requirements as specified in Article VII, Section 700.11.

801.3 All parkway areas (that area lying between the right-of-way lines and the edge of the surfaced, traveled portion of the roadway) shall be sod or seeded with grass in a manner which shall provide suitable protection from erosion.

801.4 Adequate provisions for the collection and disposal of surface and storm water shall be provided utilizing on-site water retention practices whenever feasible.

801.5 Street profiles and the necessary drainage plans to serve the area shall be determined and designed by a Registered Professional Engineer for the Subdivider. All construction of such facilities shall be in accordance with such profiles and plans and shall be subject to the recommendations and approval of the County Engineer. Supervision and inspection of construction shall be provided by the County at the Subdivider's expense. An adequate deposit to cover such expense shall be made with the County by the Subdivider prior to beginning of construction. The estimate of the expense shall be provided by the subdivider and approved by the County Engineer.

SECTION 802. ENGINEERING PLANS

802.1 Street plans and profiles shall be drawn with black ink on approved plan and profile material. Street plans and profiles shall be drawn to a scale which will adequately depict the proposed improvement and shall show original and proposed center line elevations, all curve data, street orientation and a typical cross-section for each street.

SECTION 803. UTILITIES

803.1 It shall be the responsibility of the Subdivider to contact utility companies to determine the availability of services and to make the necessary arrangements for their installation within necessary rights-of-way and easements. The subdivider shall provide verification that necessary utilities will be available.

803.2 Where a community-type water supply system and/or sewerage facilities are to be utilized, plans for such shall be designed and inspected for the subdivision by a Registered Professional Sanitary Engineer. The facilities shall be constructed in accordance with such plans and certified to the County by the Engineer prior to construction of buildings upon the lots. Such plans must have approval of the County Board of Health.

SECTION 804. COMPLETION OF IMPROVEMENTS

804.1 The Final Plat shall not be approved until the plans and specifications for the improvements are acceptable to the County Engineer and those improvements have been completed. In lieu of final completion of the minimum improvements before the plat is finally approved, the Subdivider may post a bond or escrow as per Section 502.3.

ARTICLE IX VARIANCES

SECTION 900. HARDSHIP

900.1 Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Ordinance.

SECTION 901. LARGE SCALE DEVELOPMENT

901.1 The standards and requirements of these regulations may be modified by the Commission in the case of a plan and program for a self-contained, complete community, or a neighborhood unit, which would in the judgment of the Commission provide adequate public spaces and improvements for the circulation, recreation, light, and air and service needs of the tract when fully developed and populated, and which would also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.

SECTION 902. CONDITIONS

902.1 In granting variances and modifications, the Commission shall weigh the benefits or hardships against the general standards and objectives of this Ordinance, and may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE X AMENDMENTS

SECTION 1000. Any regulations or provisions of this Ordinance may be changed and amended from time to time by the Board of Supervisors with such amendment being initiated by the Board, by a motion by the Commission or by a petition by any person; provided that such changes or amendments shall not become effective until they have first been reviewed and a recommendation has been made thereon by the Commission, and further provided that a public hearing shall be held by the Board, public notice of which shall be given in accordance with Iowa Code Section 331.305.

ARTICLE XI CONFLICT AND VALIDITY

SECTION 1100. CONFLICT

1100.1 Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standard shall govern.

1100.2 Should any section, sentence, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.

ARTICLE XII PENALTY

SECTION 1200. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days for each offense, and each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE XIII
ENACTMENT AND EFFECTIVE DATE

SECTION 1300. This Ordinance shall be in full force and effect from and after its passage and adoption, as provided by law.

Passed this 9th day of June, 1998.

/s/ Betty McCarthy, Chairman
Mitchell County Board of Supervisors

ATTEST:

/s/ Sandra Heckstein
County Auditor