

SUBDIVISION ORDINANCE
Effective June 2, 1999
(Replacing Subdivision Ordinance
adopted in 1997)

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CHAPTER I

PURPOSE AND JURISDICTION

1.1 TITLE. This ordinance shall be known and may be cited as the "Page County, Iowa, Subdivision Ordinance," and will be referred to herein as "this Ordinance".

1.2 PURPOSE. The purpose of this ordinance is to provide for accurate, clean, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems; rules and regulations for the subdivision of land within the unincorporated areas of Page County, Iowa; to prescribe minimum standards for the design and development thereof; to establish procedures for the approval of preliminary and final plats and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health, and general welfare of the public and to facilitate the adequate provision of transportation, water, sewerage, and other public requirements.

1.3 JURISDICTION. All plats, replats, or subdivision of land into three (3) or more parcels*, any of which are described by metes and bounds description for which no plat of survey is recorded in the unincorporated areas of Page County, for other than agricultural purposes, including that area within two (2) miles of any city, shall be submitted to the Board of Supervisors and the County Zoning Commission in accordance with the procedures established by this ordinance, and shall be subject to the requirements established herein, and in Chapter 354 of the Code of Iowa, as amended.

*The original tract is not considered one of the three for determining a Subdivision.

CHAPTER II

DEFINITIONS

2.1 DEFINITIONS. The following definitions of terms shall apply within the text of this ordinance:

1. Auditor. The County Auditor of Page County, Iowa.
2. Board. The Board of Supervisors of Page County, Iowa.
3. Building Line. A line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side, or rear yard requirement established in the zoning ordinance, and where they do not, the most restrictive requirement will control.
4. Commission. The Planning and Zoning Commission of Page County, Iowa.
5. County. Page County, Iowa.
6. Cul-de-Sac. A minor road having one end open to motor traffic, and the other end being permanently terminated by a vehicular turnaround.
7. Development. Improvements to land including, but not necessarily limited to, new construction of homes, buildings, roads or parks.

8. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

9. Engineer. An engineer licensed under the laws of the State of Iowa.

10. Final Plat. The map or drawing, on which the subdivision plan is presented in the form, which if approved by the Board and the Commission, will be filed and recorded with the County Recorder.

11. Governing Body. A city council or the Board of Supervisors, within whose jurisdiction the land is located, which has adopted ordinances regulating the division of land.

12. Parcel. A tract of land.

13. Preliminary Plat. A study, or drawings indicating the proposed manner or layout of the subdivision, which is submitted to the Board and Commission for consideration.

14. Lot. A tract of land represented and identified by number or letter designation on an official plat.

15. Subdivider. Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of development, any subdivision or part thereof as defined herein, either for himself or for others.

16. Subdivision. The division of a separate tract of land into three (3) or more lots or parcels, any of which are described by metes and bounds description for which no plat of survey is recorded, for the purpose of development.

17. Surveyor. A surveyor licensed under the laws of the State of Iowa.

18. Tract. A quarter of a quarter section, or less; a lot within an official plat; or a government lot.

CHAPTER III

GENERAL PROVISIONS

3.1 PROCEDURE FOR SUBDIVISIONS. Under this ordinance, the legal subdividing of land is basically a four-step process, involving the preparation and approval of the following:

1. Preliminary Investigation
2. The Preliminary Plat
3. Improvement Plans and Specifications
4. The Final Plat

Both plats shall be approved by the Commission and by the Board, and the plans and specifications shall be approved by the County Engineer and Board before the procedure is complete. The Commission may, at its own discretion, hold a public hearing on any proposed subdivision.

Figure 1 Procedure Flow

1. PRELIMINARY INVESTIGATION

Meet with Commission for Ordinance familiarization and development recommendations.

2. PRELIMINARY PLAT

(a) Commission approval (optional public hearing)

(b) Board approval

3. IMPROVEMENT PLANS AND SPECIFICATIONS

(a) County Engineer approval

(b) Board approval

4. FINAL PLAT

(a) Approved improvement plans and specifications

(b) Post construction guarantee bond*

(c) Commission approval

(d) Board approval

* If improvements are completed before final plat approval, the subdivider shall have posted a maintenance bond before final plat approval.

(3.2 omitted in Original Ordinance)

3.3 PRELIMINARY INVESTIGATION. The developer shall request a preliminary meeting of

the Commission to discuss the proposed subdivision without having prepared a preliminary plat. Such a meeting may serve to inform the subdivider, not only of all details of this ordinance, but also if the area and development in question are basically acceptable to the Commission.

3.4 ACCEPTABILITY CRITERIA. The basic acceptability of the area and the development in a proposed subdivision shall be judged on the following criteria:

1. The subdivision shall be in accordance with the Comprehensive Plan.
2. Subdivisions for any use which creates, continues, or increases danger to health, safety, life, or property shall be prohibited.

CHAPTER IV

PRELIMINARY PLAT

4.1 GENERAL. The purpose of the preliminary plat is to present the proposed lot and street layout along with other basic information in order that the Commission may determine the feasibility and desirability of the proposed subdivision and also verify that there will be no conflict with the Zoning Ordinance or other provisions of this Ordinance.

4.2 REQUIRED INFORMATION. The following information shall be shown on the preliminary plat:

1. Subdivision boundary (heavy line) and North arrow.
2. Legal description of subdivision area.
3. Lot and street layout including lot numbers with approximate dimensions (scale 1" = 100').
4. Names of the subdivision, subdivider, and engineer.
5. Vicinity map.
6. Topography
 - a. Contours at 5' intervals.
 - b. Existing streets, buildings, utilities, subdivisions, etc. within and adjoining the subdivision.

7. Building setback lines and utility easements.
8. Zoning classification.
9. Improvements shall be shown in sufficient detail to clearly indicate the type, location, source (water supply, etc.) and materials planned.
10. The plat shall be plainly marked "Preliminary Plat" and dated (figure 2 is an example of a preliminary plat).

4.3 SUBMITTAL. The subdivider shall submit five (5) copies of the plat, a twenty-five dollar (\$25.00) filing fee

4.4 APPROVAL.

1. The Commission may hold a public hearing on the proposed subdivision within fifteen (15) days of the public notice.

2. The Commission shall approve or disapprove plats within sixty (60) days and forward approved plats to the Board for final approval. Disapproved plats shall be returned to the subdividers with modifications recommended that would make it acceptable.

3. The Board shall approve or disapprove the plat within thirty (30) days after receiving same from the Commission.

4. Plats approved by the Board shall be distributed as follows: One copy to Board records, one copy to Commission records, one copy to Recorder, and two (2) copies to the subdivider.

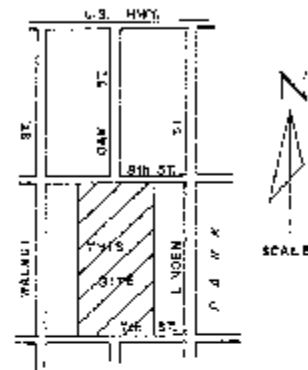
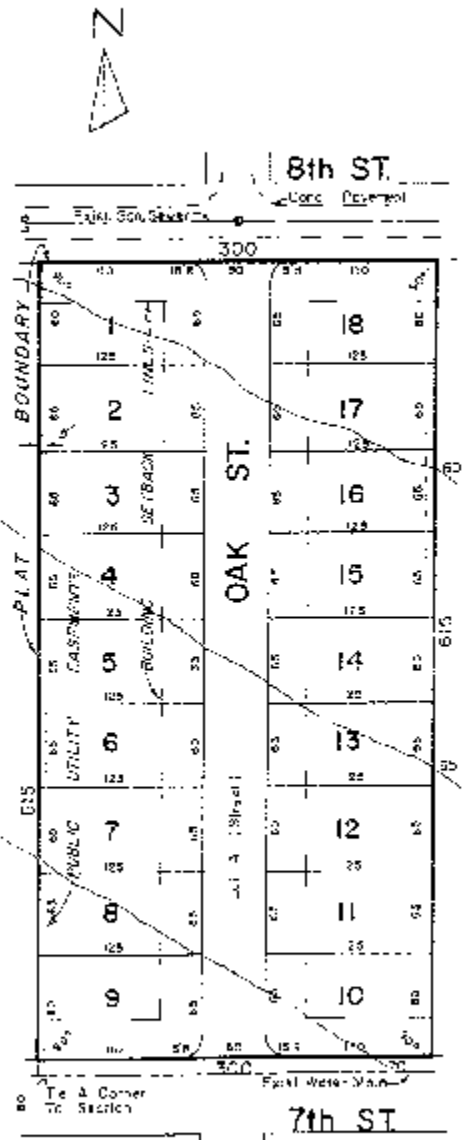


Figure 2 - Preliminary Plat Example

CHAPTER V

IMPROVEMENTS

5.1 **GENERAL.** All standards given in this section shall be considered as minimums.

5.2 **BLOCKS.**

1. Blocks shall be designed to meet existing topographical conditions, to provide adequate lot sizes, and to provide proper access and traffic circulation.

2. Where necessary, adequate sized easements shall be dedicated for the construction and maintenance of water courses.

5.3 **LOTS.**

1. Lots shall be sized and arranged in conformance with the Zoning ordinance and in proper arrangement to topography, drainage, and the character of adjacent development.

2. Lot lines shall be straight except when controlled by curved right-of-ways or boundary property lines.

3. Lots abutting streets on opposite sides (double frontage lots) shall be prohibited in residential subdivisions except when backed up to a limited access thoroughfare.

4. Ten foot (10') minimum width easements shall be dedicated along rear and side lot lines for the installation and maintenance of utilities.

5.4 STREETS.

1. General - The street system with a proposed subdivision shall provide smooth traffic circulation and convenient access to existing streets or roads in adjoining areas. In a case where future development is planned or seems likely, the Commission may make recommendations to ensure the proper development of the entire area concerned.

2. Width - Streets shall be a minimum of 50' in width, except in cases of overlapping jurisdiction with a municipality with lower minimum width requirements. In such a case, the higher minimum width shall be used.

3. Grade - Twelve (12) percent shall be the maximum street grade allowed, except in the case of extreme hardship and light anticipated traffic flows. The minimum allowable grade shall be 0.5 percent.

4. Intersections - No intersections at less than sixty (60) degrees shall be permitted.

5. Cul-de-Sacs - Cul-de-Sacs shall be no more than 800 feet long with the turn around right-of-way radius no less than fifty (50) feet.

6. Alleys - Alleys shall be prohibited in residential subdivisions, dead-end alleys shall be prohibited in all cases.

7. Engineering Details - Other engineering details such as geometrics, channelization, or control, shall be in accordance with good engineering practice as determined by the County Engineer, taking into account local conditions,

desirable speed limits, anticipated traffic count, and public safety.

8. Roadway Surface Type - Minimum roadway surfacing shall be 1.25 inch crushed granular surfacing applied at a rate of 1500 tons per mile. Other improved surface types may be proposed, but are subject to the approval of the Planning and Zoning Commission and the Board of Supervisors.

5.5 IMPROVEMENTS. The design, construction, maintenance, and acceptance of improvements for a proposed subdivision shall be subject to the following regulations:

1. Authorization - Board approval of the preliminary plat shall authorize the subdivider to proceed with the preparation of plans and specifications for improvements to serve the proposed subdivision.

2. Design - The design of all paving, sanitary sewer systems, storm sewer, water systems, and other improvements shall be in accordance with good engineering practice and in compliance with standards of the State of Iowa where applicable.

a. Plans and specifications shall be submitted to the County Engineer for review. The engineer shall then submit the plans and specifications along with any recommendations to the Board which shall render final approval or disapproval.

b. When required by law, it shall be the subdivider's responsibility to acquire State approval of plans and specifications for proposed improvements after approval by the County Engineer and Board.

3. Construction.

a. Authorization - Board approval of the plans and specifications shall authorize the commencement of construction work.

b. Inspection - The construction of all improvements - except those installed by public utilities, such as gas, electric, and telephone services, shall be inspected at the County's option by a Board approved engineer or designated County official.

c. Maintenance - Upon completion of construction work, the subdivider shall post a four (4) year maintenance bond, which shall be approved by the County Attorney, in the amount of the full cost of the improvements with the Board to guarantee maintenance of the improvements. The Board of Supervisors may modify or waive the requirement for a maintenance bond.

d. Acceptance - Upon completion of construction, posting of a maintenance bond, written notice of satisfactory completion from the inspector, and approval of the final plat the Board may accept the completed improvements by resolution. If, however, the Board does not desire to accept, for example, the sanitary sewer and water distribution facilities within a proposed subdivision, the subdivider shall arrange acceptance by a municipality to which the systems are connected or the creation of a permanent organization within the subdivision to maintain the facilities.

CHAPTER VI

FINAL PLAT

6.1 GENERAL. The purpose of the final plat is to present detailed land subdivision information for recording purposes. It shall be permissible to stage the development of the area covered by the preliminary plat by submitting a final plat covering only part of said area. The construction of improvements shall be required only in the area covered by the final plat. Five (5) copies of the final plat shall be submitted for approval.

6.2 REQUIRED INFORMATION. The following information shall be shown on the final plat:

1. Subdivision boundary (heavy line) with permanent survey monuments and North arrow.
2. Legal description of the subdivision area.
3. Lot and street layout, including street names and lot numbers with accurate dimensions. Dimensions shall be based on actual staking (with steel pins or rods) of the lots and streets by a surveyor.
4. Curve data for streets.
5. Names of subdivision, subdivider, and engineer.
6. Building setback lines and easements.

7. Lot numbers.

8. Title, "Final Plat" and date.

6.3 SUBMITTAL. The subdivider shall submit five (5) copies of the plat along with the following documents:

1. A list of any protective covenants or restrictions to be imposed upon the subdivision.

2. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open area, school property, or other public use, if the dedication is approved by the governing body.

3. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in section 354.12, may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

4. A title opinion by an attorney showing: A. That the abstract has been

continued to the date of the submission of the preliminary plat; B. Showing that fee title is in the subdivider and it is free from encumbrances other than those secured by an encumbrance bond. If there are encumbrances on the property, then all persons or entities holding an encumbrance must certify that they approve of the subdivision of the land as submitted; and C. The title opinion must state that the subdivision land is free from all judgments, attachments, mechanics or other liens of record.

5. A certified resolution by each governing body as required by section 354.8 either approving the subdivision or waiving the right to review.

6. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with section 354.12.

6.4 APPROVAL. If the above documents are in order, an approval of the final plat shall be contingent upon approval by the Board of the improvement plans and specifications and the posting of a construction bond in the amount of the estimated cost of the improvements guaranteeing the completion of said improvements within one year or, in case the improvements have already been constructed, a maintenance bond as provided in Section 5.5 (3c). If these conditions are met, the final plat shall receive signed approval of the Commission and Board. The approved plats shall be distributed as follows: one copy to Board records, one copy to the Commission records, one copy to the Recorder, and two (2) copies to the developer.

CHAPTER VII

ENFORCEMENT

7.1 APPROVAL REQUIRED. No plat of a subdivision shall be recorded until approved as per this ordinance.

7.2 ACCEPTANCE REQUIRED. No improvements shall be accepted or county maintenance done on a subdivision not approved as part of this Ordinance.

CHAPTER VIII

PENALTY FOR VIOLATION

8.1 PENALTIES. Any person or firm violating any provision of this ordinance and its amendments shall be guilty of a simple misdemeanor and subject to maximum fine of one-hundred dollars (\$100.00).

CHAPTER IX

AMENDMENTS OR CHANGES

9.1 AMENDMENTS OR CHANGES. Any provision of this ordinance may be changed or amended at anytime by the Board after a public hearing and recommendation report by the Commission.

CHAPTER X

VALIDITY

10.1 VALIDITY. If any provision of this Ordinance is found to be unconstitutional or void, such finding shall have no effect on the validity of the remainder of the Ordinance.

CHAPTER XI

FILINGS

11.1 FILINGS. This document shall be filed for public record in the Page County Recorder's Office.

Passed and adopted by the Page County Board of Supervisors on May 25, 1999. It was published as Ordinance 99-1 and became effective June 2, 1999 (publication date).

20010238
INST. NO. _____
FEE _____

PAGE COUNTY ORDINANCE NO. 99-1
ORDINANCE No. 99-1, AN ORDINANCE ADOPTING PAGE COUNTY
SUBDIVISION ORDINANCE, 1999.

FEB -5 AM 11:20
BRENDA ISAIA S
PAGE CO. RECORDER
CLARINDA, IOWA

Be It Enacted by the Board of Supervisors of Page County, Iowa:

Section 1: PURPOSE. The purpose of adopting this Ordinance is to enable Page County, Iowa to adopt "Page County, Iowa Subdivision Ordinance, 1999 and to repeal the current subdivision requirements contained in Ordinance No. 97-1 and adopt revisions found in Ordinance No. 99-1. The purpose of this ordinance is to provide for accurate, clean, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems; rules and regulations for the subdivision of land within the unincorporated areas of Page County, Iowa; to prescribe minimum standards for the design and development thereof; to establish procedures for the approval of preliminary and final plats and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health, and general welfare of the public and to facilitate the adequate provision of transportation, water, sewerage, and other public requirements.

Section 2: ADOPTION. The County of Page, Iowa hereby adopts "Page County, Iowa Subdivision Ordinance, 1999" pursuant to the provisions of the Code of Iowa.

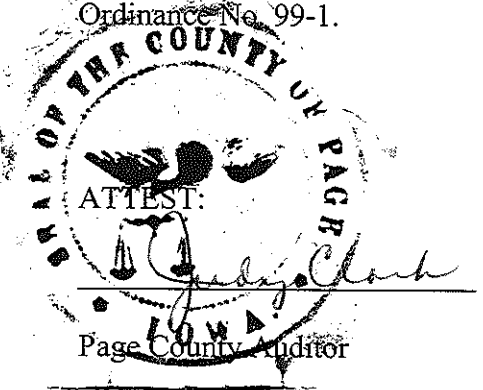
Section 3: CONTENT. This Ordinance is composed of all the subdivision regulations presently in effect.

Section 4: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance, and the amendments thereto, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 5: VALIDITY. Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 6: EFFECTIVE DATE. This ordinance shall be in effect from and after its adoption and publication as required by law.

By a unanimous vote of the Board of Supervisors on May 13, 1999, the first and second readings of Ordinance No. 99-1 are waived and the third and final reading will be May 25, 1999 at 10:00 a.m. at which time a vote will be taken for passage of this Ordinance No. 99-1.



Robert D. Anderson AYE
Jana D. Richardson AYE
Elaine Armstrong AYE
Page County Board of Supervisors

This Ordinance will be published on June 2, 1999, and becomes effective on that date.

**APPEAL TO THE
BOARD OF ADJUSTMENT**

Applicant _____ Date

Address

Appeal # _____ Fee Receipt #

Application is hereby made to the Board of Adjustment for:

_____ Interpretation of the Zoning Map.

_____ A Special Exception Use.

_____ Variance.

The purpose of this appeal is to permit:

Legal Description of the property affected:

Area of lot or tract: _____ Estimated Cost:

Setbacks:

Front Yard: _____ Rear Yard: _____ Side Yard: (L) _____ (R)

Zoning District: _____ Height:

Off-Street Loading: _____ Off-Street Parking:

Principal Use:

Accessory Use:

Other Information:

Applicant