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ORDINANCE NO. 2007 - 02

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Vicki McIntire Business
Mills County Recorder

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY REPEALING TITLE III – SUBDIVISION REGULATIONS AND ADOPTING THE NEW TITLE III – SUBDIVISION REGULATIONS SETTING FORTH THE RULES, REGULATIONS AND MINIMUM STANDARDS CONCERNING PROPERTY SPLITS, PROPERTY LINE ADJUSTMENTS AND THE DESIGN, DEVELOPMENT AND IMPROVEMENT OF ALL NEW SUBDIVISIONS AND RE-SUBDIVISIONS IN MILLS COUNTY, IOWA.

BE IT THEREFORE ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Section 1. AMENDMENT. Title III– Subdivision Regulations is hereby repealed and a new Title III– Subdivision Regulations is enacted as follows:

Section 2. TITLE III – SUBDIVISION REGULATIONS

CHAPTER I
GENERAL PROVISIONS

1.010 **TITLE:** This Ordinance shall be known, cited and referred to as the "Mills County, Iowa, Subdivision Ordinance".

1.020 **PURPOSES AND OBJECTIVES:** This Subdivision Ordinance is adopted to establish rules, regulations and minimum standards for property splits, property line adjustments and for the design, development and improvement of all new subdivisions and re-subdivisions within the County. All in accordance with and as permitted by the provisions of Iowa Code Chapter 354, as amended, and the Mills County Zoning Ordinance.

The purpose and objective is to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the present and future citizens of Mills County, Iowa. It shall be administered in order to insure the orderly growth, development, conservation, and protection of Mills County, Iowa. It shall provide adequate provisions for public utilities, services and circulation. It shall cause the cost of design and installation of improvements required for a subdivision to be borne by the developer, rather than by a direct or indirect burden upon property owners beyond the limits of the subdivision.

The division of agricultural land in which use is not changed shall be exempt from this ordinance concerning sewer/septic and water requirements.

1.030 **JURISDICTION:** The provisions of this Ordinance shall apply to all of the unincorporated territory of Mills County, Iowa. This jurisdiction includes the entire unincorporated area of Mills County unless the County has entered into a 28E Agreement with a municipality concerning the review of subdivision plats and procedures.

1.035 **SKETCH PLAT PROCEDURE:** A sketch plat application indicating the proposed division of property, property line adjustment or proposed subdivision shall be submitted, along with the required fee, to the County Auditor's Office. After tentative approval of the sketch plat application by the County Auditor, the owner of the property shall proceed with the plat of survey and/or the preliminary plat application. After approval of the preliminary plat by the County Board, the owner/developer shall then proceed with the preparation of the construction plan, if required, and the final plat.

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A complete description of these processes and the associated fees can be found in the following chapters of this Ordinance: Chapter 5 – Sketch Plat Application; Chapter 10 – Preliminary Plat Application; Chapter 15 – Construction Plans; Chapter 20 – Final Plat Application. The Schedule of Fees for these processes can be obtained from the County Auditor's office.

1.040 PLATS IN UNINCORPORATED AREAS WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF CITIES:

In the event a subdivision lies in the County and also lies within the area of review established by a City pursuant to Iowa Code Section 354.9, as amended, the procedures for review and approval of the preliminary and final plat shall be the same as established by this Ordinance, unless the County and City have entered into a 28E agreement which identifies the standards and conditions for the approval of plats in said subdivision.

Such a plat shall be considered to have been approved and authorized for filing with the County Auditor and County Recorder only after it has been approved by the County Board, as prescribed by this Ordinance, and by the City Council of that city.

1.050 APPLICATION OF REGULATIONS: The regulations set forth by this Ordinance shall apply to all property splits, property line adjustments and subdivisions of land, as defined herein, located within the jurisdiction of the County.

- .01 No plat of any subdivision within the application of this Ordinance has any validity until the plat has been prepared, approved and acknowledged in the manner prescribed in this Ordinance.
- .02 No person shall split, adjust and/or subdivide any tract or parcel of land for the purpose of sale, transfer or lease with the intent of evading the provisions of this Ordinance. All such described actions shall be subject to all the requirements contained in this Ordinance.
- .03 No permit, license or certificate shall be issued by a department, official or public employee of the County vested with such duty or authority, for any use, building or other purpose on a parcel or tract which is not a lot of record at the effective date of this Ordinance or which has not been approved and recorded in accordance with the provisions of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.
- .04 No public improvements shall be made by the County Board with County funds, nor shall any County funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the effective date of this Ordinance, unless such subdivision and roads have been approved in accordance with the provisions of this Ordinance and the road accepted by the County Engineer as a public road.

1.060 CLASSIFICATION OF DIVISIONS: Except as provided in Section 1.070 below, whenever any division of a tract or parcel into two (2) or more parcels is proposed and before any contract is made for the sale of any part thereof, the owner of the land, or his authorized agent, shall apply and secure approval for the particular type of proposed division, as follows:

- .01 The procedure for approval of a major subdivision, as defined in Section 2.630.01 below, shall consist of:
 - A. Sketch Plat Application, as described in Chapter 5.
 - B. Preliminary Plat Application, as described in Chapter 10.

- C. Final Construction plans, as described in Chapter 15.
- D. Final Plat Application, as described in Chapter 20.
- .02 The procedure for approval of a minor subdivision, as defined in Section 2.630.02 below, shall consist of:
 - A. Sketch Plat Application, as described in Chapter 5.
 - B. Preliminary Plat Application, as described in Chapter 10.
 - C. Final Plat Application, as described in Chapter 20.
- .03 The procedure for approval of a property split, as defined in 2.630.03 below, shall consist of a Sketch Plat Application, as described in Chapter 5.
- .04 The procedure for approval of a property line adjustment, as defined in 2.630.04 below, shall consist of a Sketch Plat Application, as described in Chapter 5.
- 1.070 EXEMPTIONS: Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:
 - .01 The division of land into burial lots in a cemetery.
 - .02 A conveyance of land or interest therein for use as right-of-way by a railroad or other public utility subject to State or Federal regulations, where such conveyance does not involve the creation of any new public or private road or easement of access.
 - .03 A conveyance of land or interest therein to adjoining property owners of vacated right-of-way by a railroad or other public utility subject to State or Federal regulation, where such conveyance does not involve the creation of any new parcel.
 - .04 A conveyance of land to the State or County for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.
 - .05 A conveyance of land in forty-acre aliquot parts.
 - .06 Court order.
- 1.080 VARIANCES: Where in the case of a particular proposed subdivision, it can be shown that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, the County Board may approve variances from the provisions of this Ordinance so that substantial justice may be done and the public interest secured; however, such variances shall not have the effect of nullifying the intent and purpose of these regulations.
 - .01 The landowner shall submit in writing the request for a variance, along with the required fee, to the County Auditor. Such request shall describe how full compliance with Ordinance requirements constitutes an undue hardship.
 - .02 The County Board shall not approve variances unless it makes findings based upon the evidence presented to it, in each specific case, that:
 - A. The granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare or the rights of adjacent property owners.

- B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 - D. The variance will not adversely affect the County's Comprehensive Plan.
- .03 In no case shall any variance be more than a minimal easing of the standards or requirements, as necessary, to eliminate the hardship. In no case shall any road standard variance have the effect of reducing the traffic capacity of any road.
- .04 In approving variances, the County Board may require such conditions that will, in its judgment, substantially secure the objectives of the standards or requirements of this Ordinance.
- 1.090 VACATION PROCEDURES: The provisions concerning the vacation of plats shall be as set forth in Iowa Code Chapter 354, as amended.
- 1.100 INTERPRETATION OF STANDARDS: In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, covenants, or other provisions of law, the most restrictive, or that imposing the higher standards, shall govern.

CHAPTER 2
DEFINITIONS

- 2.000 For the purpose of this Ordinance, certain terms and words are hereby defined in this Chapter. If a conflict exists with these definitions, those in the Zoning Ordinance shall prevail.
- 2.010 CONSTRUCTION OF TERMS: The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.
- .01 TENSE: Words used in the present tense include the future tense.
 - .02 NUMBER: Words used in the singular include the plural, and words in the plural include the singular.
 - .03 SHALL, MUST AND MAY: The word "shall" and "must" are mandatory; the word "may" is permissible.
 - .04 GENDER: The masculine shall include the feminine and the neuter.
 - .05 PERSON: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - .06 USED OR OCCUPIED: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
 - .07 HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context

thereof, said heading shall not be deemed to affect the scope, meaning or intent of such context.

- 2.020 ABUTTING: A common boundary. Land areas separated by a public or private road, highway, alley or way, or by a waterway or body of water shall not be construed as abutting herein.
- 2.030 ALLEY: A dedicated public right-of-way, other than a road, which provides only a secondary means of access to abutting property.
- 2.040 ALIQOT PART: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4) or one quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.
- 2.050 AUDITOR'S PLAT: A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor. Such plats are not intended to satisfy the requirements of this Ordinance.
- 2.060 BLOCK: An area of land within a subdivision that is entirely bounded by public roads or lands, streams, railroads, unplatted lands or a combination thereof.
- 2.070 BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
- 2.080 BUILDING SETBACK LINE: The required minimum horizontal distance between the front, rear or side lines of the parcel or tract and the front, rear or side lot line of the building or any lot improvements. Setback may also be referred to as required yard.
- 2.090 COMMON LAND OR OPEN SPACE: An area of undivided land or water, or combination thereof, which is owned jointly by all property owners of the subdivision, but not specifically assigned, planned for passive or active recreation, pedestrian access, and the enjoyment and benefit of the owners and occupants of the individual building sites of said development.
- 2.100 COMMON SEWER SYSTEM: A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency, and which does not include individual septic systems.
- 2.110 COMMON WATER SYSTEM: A central water system available to each platted lot from one single source approved by the appropriate County and/or State agency.
- 2.120 COMPREHENSIVE PLAN: A general plan for the improvement and development of Mills County, Iowa, as adopted by the County Board. This document may also be referred to as the Land Use Plan.
- 2.130 CONVEYANCE: An instrument filed with the County Recorder as evidence of the transfer of title of land, including any form of deed or contract.
- 2.140 COUNTY: Mills County, Iowa.
- 2.150 COUNTY ASSESSOR: The County Assessor of Mills County, Iowa.
- 2.160 COUNTY AUDITOR: The County Auditor of Mills County, Iowa.
- 2.170 COUNTY BOARD: The Board of Supervisors of Mills County, Iowa.
- 2.180 COUNTY ENGINEER: The County Engineer of Mills County, Iowa.

- 2.190 COUNTY INFRACTION: A civil offense punishable by a civil penalty.
- 2.200 COUNTY RECORDER: The County Recorder of Mills County, Iowa.
- 2.210 COUNTY TREASURER: The County Treasurer of Mills County, Iowa.
- 2.220 DESIGN STANDARDS AND SPECIFICATIONS: All requirements and regulations relating to the design and layout of subdivision as set forth in this Ordinance.
- 2.225 DEPARTMENT OF NATURAL RESOURCES: The Department of Natural Resources for the State of Iowa.
- 2.230 DEVELOPER: The owner or his authorized agent of the land to be subdivided. Consent shall be required from the legal owner of the premises.
- 2.240 DIVISION: Dividing a tract or parcel of land into two parcels of land by conveyance for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this Ordinance.
- 2.250 EASEMENT: A grant by the property owner to the public, a corporation, or persons of the use of a portion of a tract or parcel of land for a specific purpose or purposes.
- 2.260 EASEMENT OF ACCESS: An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway, which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private road.
- 2.270 FINAL CONSTRUCTION PLANS: The maps and detailed drawings of a subdivision which show the specific location and design of improvements to be installed in the subdivision in accordance with the provisions of this Ordinance.
- 2.280 FINAL PLAT: The map or drawing of a subdivision in its final form which is submitted with its accompanying material to the County for approval and which, if approved, will be submitted to the County Recorder for recording.
- 2.290 FORTY ACRE ALIQUOT PART: One-quarter of one-quarter of a section.
- 2.300 FRONTAGE: That portion of a tract or parcel abutting upon a road.
- 2.310 GOVERNMENT LOT: A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
- 2.320 GRADE: The slope of a road or other surfaces specified in percentage terms.
- 2.325 GRANTEE: One to whom a grant is made.
- 2.326 GRANTOR: The person by whom a grant is made. A transferor of property.
- 2.330 LICENSED PROFESSIONAL ENGINEER: A licensed professional engineer authorized and licensed by the State of Iowa.
- 2.340 LICENSED LAND SURVEYOR: An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa, as amended.
- 2.350 LOT: A tract of land represented and identified by number or letter designation on an official plat.

- 2.360 LOT FRONTAGE: That portion of a tract or parcel of land which abuts a road. Each side of a lot so abutting a public or private road shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the road right-of-way line.
- 2.370 LOT IMPROVEMENTS: Any building, structure, place, work of art, or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in this Ordinance.
- 2.380 LOT LINES: The property lines bounding a tract or parcel.
- .01 FRONT LOT LINE: The lot line separating the front of the tract or parcel from the road; however, for purposes of determining tract or parcel requirements in cases where the front lot line is located within a road or highway right-of-way or easement of access, the road right-of-way line shall be used. In the case of a corner lot, that part of the tract or parcel having the narrowest frontage on any road shall be considered the front lot line. As provided in Chapter 3 - Uniform Rural Address System of Title I - Administration of the Mills County Code of Ordinances, structures shall be addressed where the driveway intersects the existing private easement road, existing private road or public road. Front yards and driveway entrances shall not be relocated without prior approval of the County Board and the Mills County E911 Board.
- .02 REAR LOT LINE: The lot line which is opposite from the front lot line.
- .03 SIDE LOT LINE: Any lot line other than a front or rear lot line. A side lot line separating a tract or parcel from a front or rear lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 2.390 LOT MEASUREMENTS: For the purposes of this Ordinance the following lot measurements shall apply:
- .01 LOT AREA: The gross horizontal area within the lot lines of a lot. For the purpose of calculating "minimum lot area", the area contained within a road or highway right-of-way easement or easement of access shall not be included.
- .02 LOT DEPTH: The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
- .03 LOT WIDTH: The horizontal distance between the side lot line as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback. In the case of a "flag" or "cul-de-sac" lot, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the front most portion of the proposed principal structure.
- 2.400 LOT OF RECORD: A lot which is part of a subdivision recorded in the Office of County Recorder, or an Auditor's Subdivision lot, a tract, or a parcel, the description of which has been so recorded in the Office of County Recorder prior to the effective date of this Ordinance.
- 2.410 LOT TYPES: For the purpose of this Ordinance the following types of lots are defined:
- .01 CORNER LOT: A lot located at the intersection of two (2) or more roads, having the road right-of-way about the front and one (1) or more side lines of the lot. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

- .02 DOUBLE FRONTAGE LOT: A lot, other than a corner lot, having frontage on two (2) or more nonintersecting roads.
- .03 FLAG LOT: An interior lot which is generally located behind other lots and which would be a land-locked area of land if not for a narrow strip of land, used exclusively for access purposes, connecting the area with a public or private road. The minimum bulk requirements for a flag lot, excluding the strip, shall be the same as required for other lots. The width of the strip shall be a minimum of sixty-six (66) feet.
- .04 INTERIOR LOT: A lot having no road frontage with access only via easement.
- 2.420 METES AND BOUNDS DESCRIPTION: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
- 2.430 NONRESIDENTIAL SUBDIVISION: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.
- 2.440 OWNER: The holder of legal title including holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees, and the like. Whenever a statement of ownership is required by this Ordinance, full disclosure of all legal and equitable interests in the property is required.
- 2.450 PARCEL: A part of a tract of land.
- 2.460 PEDESTRIAN WALKWAY: A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.
- 2.470 PERFORMANCE GUARANTEE: A contract between the County and a developer which assures that the developer will bear the cost of all required infrastructure improvements and maintenance to said improvements.
- .01 PERFORMANCE BOND: A kind of insurance, in the form of a bond payable to the County, in the amount determined necessary by the County Engineer to complete the required improvements in the event the developer fails to do so.
- .02 ESCROW ACCOUNT: A bank account that the developer deposits either cash, a note, a bond, or some other instrument readily convertible to cash in the amount determined necessary by the County Engineer to complete the required improvements in the event that the developer fails to do so. An escrow account is payable to the County on demand.
- .03 LETTER OF CREDIT: A letter of credit secured by the developer from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the developer fails to do so. The amount of the letter of credit shall be determined by the County Engineer and shall be payable to the County on demand.
- 2.480 PLAT: A subdivision as it is represented by a formal document of maps or drawings, and writing.
- 2.490 PLAT OF SURVEY: The graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor, in accordance with Iowa Code Chapter 354, as amended.
- 2.500 PRELIMINARY PLAT: A map or drawing which show the proposed layout and construction of a subdivision and its proposed improvements in sufficient detail to indicate its workability and

which is submitted with its accompanying material to the County Auditor for approval, but is not drafted in final form for recording.

- 2.504 PROPERTY-LINE ADJUSTMENT: A division of one (1) or more lots or parcels where no additional lots or parcels are created. No part of the divided lot or parcel of land will be transferred to anyone other than the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
- 2.505 PROPERTY SPLIT: A division of a tract or parcel. No more than three parcels shall be created per forty-acre aliquot part that exists on or after Feb. 1, 1999, the original date of this Ordinance. This provision shall not be construed so as to prohibit approval of a property line adjustment.
- 2.510 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 a mortgage, easement or lien interest.
- 2.520 PROTECTIVE COVENANTS: Contracts entered into between private parties and which constitute restrictions of all private property within the subdivision for the benefit of property owners against the lessening of property values.
- 2.530 PUBLIC IMPROVEMENT: Any road surface material, curbs, gutters, sidewalks, water or sewer systems, storm sewers or drainage systems, lot or road grading, road lighting, road signs, plantings or other items constructed for the welfare of the property owners and the public which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be properly bonded.
- 2.540 QUALIFIED OBSERVER: An individual certified by the Iowa Department of Transportation as an observer in the major phase of construction that they are inspecting.
- 2.550 QUARTER-QUARTER SECTION: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.
- 2.560 REPEAT OFFENSE: A recurring violation of the same section of the Mills County, Iowa, Subdivision Ordinance.
- 2.570 RESUBDIVISION/REPLAT: Any subdivision of land which has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land. Resubdivision/replats shall follow the same procedure as set forth for a minor or major subdivision, whichever may be applicable.
- 2.580 RIGHT-OF-WAY: The land or water area, the right to possession of which is secured or reserved for public purposes.
- 2.590 ROAD: The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term "road" shall include street, avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation.
- .01 ARTERIAL ROAD: Any road serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the County, which forms part of a network of through roads, or which provides service and access to abutting properties only as a secondary function.

- .02 COLLECTOR ROAD: Any road designed primarily to gather traffic from local roads and carry it to the arterial system.
 - .03 COUNTY ROAD: Any road, other than a highway, which is not located within a platted subdivision approved by the County.
 - .04 CUL-DE-SAC: A road having one (1) end connection with a public or private road and being terminated at its other by a vehicular turnaround.
 - .05 DEAD-END ROAD: A local road having only one (1) outlet connecting to another road.
 - .06 HIGHWAY: An officially designated Federal or State numbered highway, or other major street or road designated by the County as a thoroughfare.
 - .07 LOCAL ROAD: A road designed primarily to provide access to abutting properties and to discourage through traffic.
 - .08 MARGINAL ACCESS ROAD: A local road which is parallel with an adjacent highway or arterial road and which provides access to abutting properties and provides protection from fast, through traffic on the highway or arterial road.
 - .09 PRIVATE ROAD: All land between right-of-way lines dedicated to the public, but not accepted into a governmental road system.
 - .10 PUBLIC ROAD: All land between right-of-way lines dedicated to and accepted by a governmental agency.
- 2.600 ROAD RIGHT-OF-WAY LINE: A dividing line between a tract or parcel of land and the contiguous road. The boundary line of a road.
- 2.610 SKETCH PLAT: A freehand sketch drawing which depicts the proposed division of a tract or parcel of land, which meets the requirements of this Ordinance.
- 2.620 SOIL AND WATER CONSERVATION DISTRICT: The Soil and Water Conservation District Office for Mills County, Iowa.
- 2.630 SUBDIVISION: The division of a tract or parcel of land into three (3) or more parcels, lots, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.
- .01 MAJOR SUBDIVISION: All subdivisions not classified as either a minor subdivision, parcel split or property line adjustment; including but not limited to, any size subdivision requiring new public roads, or the extension of any public facilities, or the creation of any public improvements.
 - .02 MINOR SUBDIVISION: A subdivision of land in which all new lots front on and have direct access from an existing public or private road and wherein no new public roads are to be created or sought to be dedicated or contemplated to project through the proposed subdivision.
- No new lot created in either a major or minor subdivision shall conflict with any provisions or portion of this Ordinance.
- 2.640 SUBDIVISION PLAT: The graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.

- 2.650 TRACT: An aliquot part of a section, a lot within an official plat, or a government lot.
- 2.660 VACATION: To make void or annul.
- 2.670 ZONING ORDINANCE: The rules, regulations and minimum standards which apply to the use of property within specific areas of Mills County.

CHAPTER 5
SKETCH PLAT APPLICATION

- 5.010 DISCUSSION OF REQUIREMENT: Before preparing a sketch plat, the developer may discuss with the County Auditor the requirements and procedure for approval of a property line adjustment or property split.
- 5.020 APPLICATION FOR SKETCH PLAT APPROVAL: An application for sketch plat approval shall be filed with the County Auditor, along with the required fee. The application shall be accompanied by such information and documentation as shall be prescribed by this Ordinance.

The application shall contain the following information and documentation:

- .01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
 - .02 The name of the road adjacent to the subject property or properties.
 - .03 The legal description of the subject property or properties.
 - .04 The present and proposed use of the subject property or properties.
 - .05 A statement of any existing easements affecting the subject property.
 - .06 A statement indicating the source of water supply and sanitary sewer disposal types along with the distance to the nearest public water and public sewer.
 - .07 A copy of the sketch plat, as described in Section 5.030 below.
 - .08 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
 - .09 For a property split or a subdivision, each parcel shall have an approved entrance in accordance with the Chapter 4 – Entrance and Driveway of Title I – Administration of the Mills County Code of Ordinances.
 - .10 An agreed upon property line adjustment shall contain signatures of the grantor and grantee, if applicable.
- 5.030 CONTENTS OF THE SKETCH PLAT: The sketch plat may be drawn as a freehand sketch at a legible scale. The sketch plat shall show the following:
- .01 North arrow and the scale of the document.
 - .02 General location of the property by section, township and range.
 - .03 The approximate location of property lines, existing right-of-ways and known easements.
 - .04 The approximate location, dimension and area of all existing and proposed parcels.

- 5.040 SKETCH PLAT APPROVAL FOR A SUBDIVISION The County Auditor and County Engineer shall review the application and determine the appropriate subdivision classification. Within one (1) year from the day the County Auditor approves the sketch plat, the developer shall file a preliminary plat application with the County Auditor. If the developer fails to file the preliminary plat application within the one (1) year time period, the sketch plat shall be deemed void.
- 5.050 SKETCH PLAT APPROVAL OF A PROPERTY LINE ADJUSTMENT: Following such review of the sketch plat for a property line adjustment, the County Auditor shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The County Auditor shall notify the developer, in writing, of the decision.
- .01 Approval of the sketch plat shall signify the general acceptability of the proposed property line adjustment with respect to compliance with the requirements of this Ordinance and shall be deemed to be authorization to proceed with preparation of necessary instruments for conveyance of a portion of one (1) lot or parcel to the owner of an adjoining lot or parcel. A plat of survey shall be prepared for the division. Within one (1) year, one (1) copy of the plat of survey shall be prepared by a licensed land surveyor and a copy filed with the County Auditor before final approval may be given on the sketch plat or property line adjustment application. A copy of said decision shall be recorded simultaneously with any and all instruments filed with the County Recorder which transfer the ownership of said property being divided.
 - .02 After final approval of the sketch plat application, any revision of the sketch plat shall require the submission of a new sketch plat application and fee.
 - .03 Within one (1) year from the day the County Auditor approves the sketch plat, the developer shall complete the plat of survey and file it with the County Recorder. If the plat of survey is not filed within the one (1) year time period, the sketch plat shall be deemed void.
 - .04 Disapproval of the sketch plat shall signify the general unacceptability of the proposed property line adjustment with respect to compliance with the requirements of this Ordinance. The developer may file a request for a variance. Such a request should describe how full compliance with Ordinance requirements constitutes an undue hardship. The developer shall file the variance application with the County Auditor and pay the required fee. The variance application shall be presented to the Board of Supervisors with twenty (20) days of receipt. After consideration of the request and any relevant information, the Board of Supervisors will either approve or deny the variance as set forth in Section 1.080 above.
- 5.060 SKETCH PLAT APPROVAL OF A PROPERTY SPLIT: Following such review of the sketch plat for a property split, the County Auditor shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The County Auditor shall notify the developer, in writing, of the decision.
- .01 After final approval of the sketch plat application, any revision of the sketch plat shall require the submission of a new sketch plat application and fee.
 - .02 Approval of the sketch plat shall signify the general acceptability of the proposed property split with respect to compliance with the requirements of this Ordinance. A plat of survey shall be prepared for as follows:
 - A. In the event a forty-acre aliquot part is proposed to be divided into two (2) parcels, it shall be required that only the parcel being conveyed have a plat of survey

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prepared of it; however, as allowed by Iowa Code Section 354.4, at the discretion of the County Auditor, an order may be given to require both parcels to have a plat of survey prepared of them.

- B. In the event a forty-acre aliquot part is proposed to be divided into three (3) parcels simultaneously or accumulatively, it shall be required that all three (3) parcels in that forty-acre aliquot part have a plat of survey prepared of them.
 - C. In the event a tract or parcel was divided into two (2) parcels prior to Feb. 1, 1999, the original date of this Ordinance, and it is proposed that one (1) of the two (2) parcels be divided to become two (2) parcels, resulting in no more than three (3) parcels within the boundaries of the forty-acre aliquot part, only the two (2) new parcels shall be required to have a plat of survey prepared of them.
- .03 Within one (1) year from the day the County Auditor approves the sketch plat for a property split, the developer shall complete the plat of survey and file it with the County Recorder. If the developer fails to file the plat of survey within the one (1) year time period, the sketch plat shall be deemed void.
- .04 Disapproval of the sketch plat shall signify the general unacceptability of the proposed property split with respect to compliance with the requirements of this Ordinance. The Developer may file a request for a variance. Such a request should describe how full compliance with Ordinance requirements constitutes an undue hardship. The developer shall file the variance application with the County Auditor and pay the required fee. The variance application shall be presented to the Board of Supervisors within twenty (20) days of receipt. After consideration of the request and any relevant information, the Board of Supervisors will either approve or deny the variance as set forth in Section 1.080 above.

CHAPTER 10
PRELIMINARY PLAT APPLICATION

10.010 APPLICATION FOR PRELIMINARY PLAT APPROVAL: The developer shall file the preliminary plat application with the County Auditor for submission to the County Board. The application and required fee shall be accompanied by the following information and documentation:

- .01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
- .02 The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the proposed subdivision.
- .03 The proposed name of the subdivision.
- .04 The street address or general location and legal description of the subject property.
- .05 The existing and proposed uses of the subject property.
- .06 A statement of proposed method of water supply, of sanitary sewage treatment and of disposal of storm waters from the subject property.
 - A. In the event private water wells are to be the proposed method of water supply, as provided in Section 25.120 below, the developer shall submit test well results as evidence of the availability of water on the site.
 - B. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Section 25.130

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below, the developer shall submit percolation (perc.) test results as evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.

- .07 A statement of the manner in which it is proposed to finance improvements.
 - .08 A statement of the general nature and type of improvements proposed for the subdivision, and in what manner the developer intends to provide for their installation, e.g., actual construction, monetary guarantee, etc. The statement shall indicate the approximate completion time of such improvements.
 - .09 Ten (10) blackline/blueline print copies of the preliminary plat as described in Section 10.020 below.
 - .10 Two (2) blackline/blueline print copies of the plans showing the typical cross sections and center line profiles, with approximate grades, of all proposed public roads.
 - .11 One (1) blackline/blueline print copy of the Erosion and Sedimentation Control Plan, approved by the Soil and Water Conservation District. The plan shall show the design for reducing erosion and controlling sediment on the subdivision site during and after construction. The plan shall be prepared in accordance with this Ordinance and the standards and specifications of the Soil and Water Conservation District. Said plan shall have attached thereto a statement by the developer that the construction and/or development will be done in accordance with the plan.
 - .12 Department of Natural Resources' National Pollutant Discharge Elimination System (NPDES) permit required.
 - .13 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
- 10.020 CONTENTS OF THE PRELIMINARY PLAT: The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet; however, those areas of more than one hundred (100) acres may be at a scale of one (1) inch equals two hundred (200) feet. The preliminary plat shall show the following:
- .01 The name of the proposed subdivision and an identification clearly stating that the document is a preliminary plat.
 - .02 The date of the document, north point and the scale of the document.
 - .03 The names and addresses of the owner of the land, the developer, if other than the owner, and the licensed land surveyor who prepared the preliminary plat.
 - .04 A description of the subject property, giving the location and dimensions of all boundary lines to be expressed in feet and decimals of a foot, with reference to section or quarter section lines.
 - .05 The following existing conditions shall be shown on the preliminary plat:
 - A. The location, right-of-way width, surfacing width and names of all existing public or private roads and easements of access, railroad right-of-ways, and utility easements within the subdivision and within two hundred (200) feet thereof.
 - B. The location of any existing permanent buildings within the proposed subdivision and existing buildings in projected alignment of any proposed public roads outside of the proposed subdivision and within two hundred (200) feet thereof.

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- C. The location of pertinent features such as water bodies, wetlands, wooded areas, isolated preservable trees, rock outcroppings, parks, cemeteries, bridges and other permanent structures.
 - D. The location of all existing sanitary and storm sewers, culverts, water mains, gas lines and other underground installations within or immediately adjacent to the proposed subdivision.
 - E. The location of water courses, drainage ditches, floodways, any easements and areas subject to flooding. Proposed subdivisions located within areas subject to flooding shall include a contour line depicting the boundary of one hundred (100) year flood as shown in the Mills County, Iowa, Flood Plain Study prepared by the Federal Emergency Management Agency.
 - F. Contour lines or spot elevations related to some established bench marks or mean sea level or other datum having the following intervals:
 - Major Subdivision
 - 1. Ten (10) foot contour intervals for ground slopes of ten (10) percent or more.
 - 2. Five (5) foot contour intervals for ground slopes of less than ten (10) percent.
 - 3. Spot elevations where the ground is too flat for contours.
 - Minor Subdivision
 - 1. Ten (10) foot contour intervals.
 - 2. Spot elevations where the ground is too flat for contours.
 - G. The location, elevation and description of the bench mark controlling the survey.
- .06 The following information with respect to the manner in which the subject property is to be developed shall be included on the preliminary plat:
- A. The location, dimensions, identification number and lot area of all proposed lots.
 - B. The location, right-of-way width, surfacing width and names of all proposed public roads.
 - C. The approximate location, width and purpose of all proposed easements.
 - D. The approximate location and type of all proposed utilities.
 - E. The location, dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
 - F. The location and width of all proposed building setback lines.
 - G. Indication of the use of all proposed lots, if other than single-family dwellings.
- .07 A vicinity map showing the general location of the subdivision within the boundaries of the County.
- .08 A certificate to be signed by the County Engineer stating an opinion of compliance with the Mills County Subdivision Regulations.

- .09 A certificate for approval of the County Board to be signed by the Chairperson and attested by the County Auditor.
- .10 If applicable, a certificate for approval complies with this ordinance of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the city.
- 10.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the County Auditor and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.
- 10.040 DISTRIBUTION OF PRELIMINARY PLAT: The County Auditor shall transmit copies of the preliminary plat to the County Engineer, the appropriate school district superintendent, the Soil Conservation District, the appropriate fire department, the County Sheriff and such other official body or agency as may be directed by the County Board. The County Engineer shall retain the two (2) copies of the typical cross sections of the roads for review.
- 10.050 REVIEW OF PRELIMINARY PLAT: Comments and recommendation shall be filed with the County Auditor as soon as practical, but normally within fifteen (15) working days. Copies of the County Auditor's comments and recommendations, as well as those of the responding individuals and agencies shall be submitted to the County Board.
- 10.060 REVIEW OF PRELIMINARY PLAT BY SOIL AND WATER CONSERVATION DISTRICT: The preliminary plat shall not be approved unless it includes a complete plan for soil erosion and sedimentation control, developed in accordance with the technical standards and specifications of the Soil Conservation District and approved by the Soil and Water Conservation District. The developer shall attach a statement to the erosion and sedimentation control plan certifying that construction and/or development will be done in accordance with the plan.
- Within fifteen (15) working days of receipt of the plan, the Soil Conservation District shall notify, in writing, the developer and the County Auditor that the erosion and sedimentation control plan has been approved, approved subject to modifications, or disapproved. If disapproved, the Soil and Water Conservation District shall submit to the County Auditor, with a copy to the developer, a statement setting forth reasons for disapproval, and indicating in what way this plan fails to conform to the technical standards and specifications of the Soil and Water Conservation District. In addition, the Soil and Water Conservation District may submit written comment on the other materials submitted for its review.
- The date of approval of the erosion and sedimentation control plan by the Soil and Water Conservation District shall be its effective date. Any improvements pursuant to the development of the land from that date forward shall be undertaken in conformance with the plan.
- The developer and subsequent landowners shall be liable for the successful implementation and completion of this plan. Any changes in the plan will require approval of the Soil and Water Conservation District.
- 10.070 DEPARTMENT OF NATURAL RESOURCES NPDES GENERAL PERMIT #2: The developer shall be responsible for obtaining approval from the Department of Natural Resources in the form of a NPDES General Permit #2 for storm water discharge. The developer and subsequent landowners shall be liable for the successful implementation and completion of the requirements of this permit. Any changes in the plan will require approval of the Department of Natural Resources.
- 10.080 PUBLIC HEARING BY COUNTY BOARD: Before taking final action on each preliminary plat application, the County Board shall hold a public hearing thereon.

Notice of a public hearing on a proposed subdivision shall include the time and place of said public hearing and the place where the contents of the request may be examined, and shall be given in the following manner:

- .01 A notice of the public hearing shall be given by one (1) publication in the designated newspapers in the County, not less than four (4) nor more than twenty (20) days prior to the date of the public hearing.
 - .02 The County Board may recess a hearing in order to serve notice upon other property owners or persons that the County Board determines may be interested in the application or to obtain additional information. Upon recessing for this purpose, the County Board shall announce the time and date when the County Board will resume the hearing.
- 10.090 COUNTY BOARD ACTION: The County Board shall either disapprove the preliminary plat or shall, by resolution, approve the preliminary plat with or without specified conditions to be accepted by the developer as a condition of such approval. Adoption of such a resolution shall require an affirmative vote of at least a majority of those voting.
- 10.100 RECORD OF APPROVAL: Any resolution adopted by the County Board approving a preliminary plat shall be given an official resolution number and shall be entered into the minutes of proceedings of the County Board.
- .01 Following County Board action, the County Auditor shall notify, in writing, the developer of the County Board's decision.
 - .02 If the preliminary plat is approved by the County Board, the County Auditor shall return a signed blackline/blueline print copy of such plat to the developer.
- 10.110 EFFECT OF APPROVAL OF PRELIMINARY PLAT: Approval of the preliminary plat shall not constitute final acceptance of the subdivision by the County Board, but shall signify merely the general acceptability of the proposed subdivision. Such approval shall be deemed to be authorization to proceed with the preparation of the final construction plans and the final plat.
- 10.120 EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL: Within one (1) year from the day the County Board approves a preliminary plat, the developer shall apply for final plat approval, or the first part thereof if phased. If the subdivision is phased, the developer shall apply for final plat approval of the second phase within two (2) years, the third phase within three (3) years, the fourth phase and the balance thereof within five (5) years from the date the preliminary plat was approved by the County Board. If the developer fails to apply for final plat approval within the appropriate time period, the preliminary plat, or remaining phase(s) thereof, shall be void unless the developer requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.
- 10.130 EXTENSION OF TIME LIMITATIONS: The County Board may grant an extension of time of not more than two (2) years from the date required for submission of a final plat or any part thereof if phased. If a developer applies for an extension of time of submission of any part of a phased subdivision, which is subsequently granted by the County Board, equal extensions are automatically granted for each of the remaining phases. A developer may apply only once for an extension of time, whether or not the preliminary plat is phased. If the County Board refuses to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof if phased, to the County Board within the appropriate time originally required or sixty (60) days from the day the extension request is denied by the County Board, whichever is longer.

CHAPTER 15
FINAL CONSTRUCTION PLAN AND INSPECTION OF IMPROVEMENTS

- 15.010 REQUIRED IMPROVEMENTS: Upon County Board approval of a preliminary plat and prior to application for final plat approval, the developer shall:
- .01 Construct and install the required improvements, or;
 - .02 Post a performance guarantee for the total cost of the improvements, or;
 - .03 Construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed.
- 15.020 SUBMISSION OF THE FINAL CONSTRUCTION PLANS: The developer shall have a licensed professional engineer prepare the final construction plans for the proposed required improvements containing the data and information specified in Section 15.030 below. Four (4) blackline/blueline print copies of such plans shall be certified by a licensed professional engineer and submitted to the County Engineer along with the required final construction plan fee.
- .01 In the event the developer chooses to construct and install the required improvements, as specified in Section 15.010.01 above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the construction will commence.
 - .02 In the event the developer chooses to post a performance guarantee for the total cost⁸ of the required improvements, as specified in Section 15.010.02 above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the final plat is submitted for approval. Said final construction plans, upon submittal to the County Engineer, shall be accompanied by a detailed engineering estimate of cost for all improvements, estimated and certified by the developer's licensed professional engineer. These estimates will be utilized by the County Engineer for review and determination of the amount of the performance guarantee. The amount of the performance guarantee shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer.
 - .03 In the event the developer chooses to construct and install a portion of the required improvements and post a performance guarantee for the remainder of the improvements not completed, as specified in Section 15.010.03 above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the developer shall notify the County Engineer of his intent to post a performance guarantee for remaining improvements and shall submit the cost estimates for the remaining portion, as specified in Section 15.020.02 above.
 - .04 In the event one (1) year has lapsed since the issuance of the performance guarantee and construction of the required improvements has not been completed, it shall be the responsibility of the developer to resubmit the detailed engineering estimates of cost and a new performance guarantee as required in Section 15.020.02 above.
 - .05 The developer shall provide a list of the names of the individual qualified observers that will be utilized in the construction of the improvements and that will be on the job site full-time during the major phases of work. An Iowa Department of Transportation certification shall be required for each named individual.
- 15.030 CONTENTS OF FINAL CONSTRUCTION PLANS: The final construction plans for required lot or public improvements shall contain the following data and information.

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- .01 Plans, details, specifications, calculations and cost estimates for road and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometries for each road with a typical cross section.

The profiles of grade lines shall be shown to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the County Engineer.
 - .02 Plans, profiles, details, specifications, calculations and cost estimates of proposed storm drainage improvements.
 - .03 Plans, profiles, details, specifications and cost estimates of proposed water distribution systems, water supply facilities and water hydrants, if any.
 - .04 Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.
 - .05 Grading plans for all lots and other sites within the subdivision, including details and specifications for soil erosion and sedimentation control.
 - .06 The County Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review.
 - .07 All plans shall be based on United States Geodetic Survey (U.S.G.S.) datum elevations with two (2) monumented benchmarks. The U.S.G.S. datum elevations may be determined from quadrangle maps.
 - .08 All plans for underground utilities shall be prepared by or at the direction of the utility company involved with the improvements.
 - .09 All utility permits shall be submitted to the County Engineer.
- 15.040 REVIEW OF FINAL CONSTRUCTION PLANS: The County Engineer shall review the final construction plans in order to determine whether such plans are consistent with the approved preliminary plat and comply with the design standards and specifications described in Chapter 25 of this Ordinance.

If such plans are consistent and do comply, the County Engineer shall submit a notice to the County Board that the plans so conform and comply, and shall return one (1) signed copy of the approved final construction plans to the developer. In the event that such plans do not conform and comply, the County Engineer shall notify the developer of the specific manner in which the plans do not conform or comply, and the developer may then correct such plans. If such plans are not corrected, the County Engineer shall transmit a notice to the County Board as to the items of nonconformity or noncompliance.
- 15.050 CONSTRUCTION OF IMPROVEMENTS: No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the final construction plans shall have been approved by the County Engineer.
- 15.060 INSPECTION: It is the responsibility of the developer to oversee the construction operations of the required improvements to assure that the work performed is in accordance with the final construction plans. Therefore the developer shall provide:
- .01 Full time construction inspection by a qualified observer during all major phases of the construction, including but not limited to grading, paving, concrete work, seeding,

structures, pipe culverts and bridges. Daily progress and inspection reports must be maintained and submitted weekly to the County Engineer.

.02 Results of quality control testing, in accordance with the Iowa Department of Transportation or other approved standards, shall be submitted to the County Engineer.

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

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

.01 A certification by the developer's licensed professional engineer that the work was completed in accordance with plans and specifications and meets all applicable County standards.

.02 Two (2) sets of "as built" blackline/blueline print copies will be required to be submitted to the County Engineer prior to acceptance of the project.

15.090 REPORT TO COUNTY BOARD: If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations the County Engineer shall certify to the County Board, within fifteen (15) working days from the completion of inspection, that all improvements have been installed in conformity with the final construction plans. The receipt of such notification by the County Board shall constitute the date on which the one (1) year period, specified in Section 15.100 below, shall commence.

15.100 MAINTENANCE BOND: The developer shall warrant the design, materials and workmanship of all required improvements, installations and construction for a period of one (1) year from and after completion. Such warranty shall be by a bond or other acceptable collateral, which shall assure the expedient repair or replacement of defective improvements under warranty and shall indemnify the County from all costs or losses resulting from or attributed to such defective improvements on the major phases of construction which includes but is not limited to grading, paving, concrete work, seeding, structures, pipe culverts and bridges.

CHAPTER 20
FINAL PLAT APPLICATION

20.010 APPLICATION FOR FINAL PLAT APPROVAL: Following the approval of the preliminary plat in the case of a minor subdivision, or of the preliminary plat and final construction plans in the case of a major subdivision, the developer, if he/she wishes to proceed with the subdivision, shall file, upon the form provided, an application for final plat approval with the County Auditor for submission to the County Board. The application shall contain and be accompanied by the required fee as well as the following information and documentation:

.01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.

.02 The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the subdivision.

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- .03 The approved name of the subdivision.
 - .04 The performance guarantee, if required, as described in Chapter 15 of this Ordinance. If the required improvements have been completed in lieu of a performance guarantee, then a certificate signed by the County Engineer approving the installation of any required improvements.
 - .05 Copies of the final plat of the following types and sizes, all of which shall bear the original signatures on the required certificates, as described in Section 20.020, below.
 - A. Three (3) dimensionally stable plastic film copies and six (6) blackline/blueline print copies of the final plat, at a size of not less than 18" x 24". One (1) additional film copy and two (2) print copies shall be submitted when the subdivision is located within two (2) miles of a city that exercises its extraterritorial subdivision plat review authority pursuant to Section 1.040 above.
 - B. One (1) reduced print copy which is either 8 1/2" x 11" or 8 1/2"x 14".
 - .06 A statement from the mortgage holders or lien holders, if any, as required by Iowa Code Section 354.11, as amended.
 - .07 An opinion by an attorney-at-law, as required by Iowa Code Section 354.11, as amended.
 - .08 A certificate to be signed by the County Treasurer, as required by Iowa Code Section 354.11, as amended.
 - .09 Such other and further information as the County Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
 - .10 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
- 20.020 **CONTENTS OF THE FINAL PLAT:** The final plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat shall show the following:
- .01 The approved name of the subdivision.
 - .02 The date of the document, north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.
 - .03 The names and addresses of the owner of the land, the developer, if other than the owner, and the engineering firm or surveying firm that prepared the final plat.
 - .04 The location by section, township, range, county and state as well as including descriptive boundaries of the subdivision.
 - .05 The exact location and layout of lots and public roads with accurate dimensions in feet and decimals of feet, interior angles, length, and radii, arcs and intermediate tangents of all curves, and all other information necessary to reproduce the plat on the ground.
 - .06 The location of all existing public or private roads and new public roads within the subdivision.
 - .07 The names and width of all existing public or private roads and new public roads within the subdivision.

- .08 The lot number and area of each lot within the subdivision. The data on the area of each lot may be shown in a table format on the plat page on which said lot is drawn.
 - .09 The location of all easements shall be denoted, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certification of dedication.
 - .10 A statement by the proprietors and their spouse, if any, as required by Iowa Code Section 354.11, as amended, shall accompany the final plat.
 - .11 A certificate signed by a licensed land surveyor, as required by Iowa Code Chapter 355, as amended.
 - .12 A certificate to be signed by the County Engineer approving the final plat with respect to public improvements, if any. If no public improvements are included, this certification may be omitted.
 - .13 A certificate for approval of the County Board to be signed by the Chairperson and attested by the County Auditor.
 - .14 If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City.
- 20.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the County Auditor and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.
- 20.040 REVIEW OF FINAL PLAT: Copies of the County Engineer's comments and recommendations shall be submitted to the County Board.
- 20.050 PUBLIC HEARING BY COUNTY BOARD: The County Board shall consider the proposed final plat at public hearing. Notice of the public hearing shall be given as specified in Iowa Code Chapter 21, as amended.
- 20.060 COUNTY BOARD ACTION: The County Board shall, within fifteen (15) working days from the date of application for acceptance of final plat approval, either disapprove the final plat or shall, by resolution, approve the final plat and accept the dedication of all public roads, easements, parks and other public grounds for public use.
- Adoption of a resolution shall require an affirmative vote of at least a majority of those voting.
- 20.070 RECORD OF APPROVAL: Any resolution adopted by the County Board approving a final plat shall be given an official resolution number and shall be read in the minutes of proceedings of the County Board.
- .01 The County Auditor shall notify, in writing, the developer of the County Board's decision.
 - .02 If the final plat is approved by the County Board, the copies of the final plat with attached documents, as set forth in the Mills County, Iowa Final Plat Application, shall be provided to the County Recorder to be recorded in accordance with the provisions of Iowa Code Chapter 354, as amended. The County Recorder shall distribute the copies

of the final plat with attached documents to the County Assessor, County Auditor and all other necessary parson(s).

- 20.080 RECORDING FINAL PLAT: Approval of the final plat by the County Board shall be null and void if the final plat is not recorded with the County Recorder within ninety (90) days after the date of approval, unless an extension is requested by the developer within that time and granted by the County Board.
- 20.090 FAILURE TO CONSTRUCT REQUIRED IMPROVEMENTS: In the event a developer has posted a performance guarantee in lieu of actual construction of required improvements, the County Board may review the development of the subdivision thirty (30) days prior to the expiration of the performance guarantee and may direct the County Engineer to proceed with the execution of the performance guarantee in order to assure that the required improvements are completed.

Chapter 25
DESIGN STANDARDS

- 25.010 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS: No subdivision shall be approved and accepted by the County unless it conforms to the minimum requirements contained herein. In addition to these requirements, all subdivisions shall comply with the following:
- .01 All other applicable laws, rules and regulations of the appropriate local jurisdictions.
 - .02 The Comprehensive Land Use Plan and all other applicable plans adopted by the County. The Zoning Ordinance of Mills County, Chapter 3 - Uniform Rural Address System of Title I - Administration of the Mills County Code of Ordinances, Chapter 700 - Flood Plain Regulations of Title VII - Land Use of the Mills County Code of Ordinances and any other applicable County ordinances.
 - .03 All applicable standards established and regulations adopted by the County Engineer and all officers, departments and boards of the County.
 - .04 All applicable laws, rules and regulations of the State and its duly constituted agencies.
 - .05 Approval may be withheld if a subdivision is not in conformity with the above laws, rules and regulations, ordinances and the purposes of this Ordinance, as established in Section 1.020 above.
- 25.020 LAND SUITABILITY: No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare of the future residents of the subdivision or the residents of the County, until such time as conditions causing the unsuitability are corrected. The following general standards shall apply:
- .01 The County Board may, when it deems it necessary for the health, safety or welfare of the present or future residents of the area, if necessary to the conservation of water, drainage and sanitary facilities, prohibit the development of any property which lies within the one hundred (100) year floodplain of any river or stream.
 - .02 Residential subdivisions shall provide all lots with a means of vehicular access that is one (1) foot above the base flood elevation.
 - .03 Whenever a subdivision is submitted for an area which is subject to ponding or poor drainage, the County Board may approve such subdivision provided the developer fills the affected area of the subdivision to an elevation sufficient to place the elevation of

the roads and lots at a minimum of one (1) foot above the elevation of the maximum probable flooding, as determined by the developer's engineer, and approved by the County Engineer. Such subdivision shall provide for an overflow area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow area nor any structure be erected or placed therein. The boundaries of the overflow area shall be subject to the approval of the County Engineer. Development should be discouraged in areas of extreme ponding or poor drainage.

- .04 Whenever a subdivision is submitted for an area which is intended to be served by individual septic systems, the County Board may disapprove such subdivision if any of the following conditions exist:
- A. Lands altered or filled with non-earth materials.
 - B. Soils having a percolation rate of slower than one (1) inch per sixty (60) minutes.
 - C. Lands drained by farm drainage tile or farm ditch systems.
 - D. Lands having rock, impervious clay or groundwater closer than thirty-six (36) inches to the final grade of the ground.
- .05 Whenever a subdivision is submitted for an area where soil types indicate problems of erosion and sedimentation control, sanitary waste disposal and similar problems, the County Board may approve the subdivision provided the developer submits plans to correct and alleviate such unsatisfactory conditions.
- .06 The County Board, in applying the provisions of this Section, shall in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the developer the opportunity to present evidence regarding suitability. Thereafter, the County Board may affirm, modify or withdraw its determination of unsuitability.

25.030 PRESERVATION OF ARCHEOLOGICAL SITES: Archeological sites shall be preserved as required by the Iowa Code.

25.040 PARKS AND OPEN SPACES: In all residential subdivisions wherein the majority of the lots have a lot area of ten thousand (10,000) square feet or less there shall be usable common open space dedicated or reserved for common open space land. Said open space land shall be developed as follows:

- .01 A minimum area of ten thousand (10,000) square feet, plus an additional two thousand (2,000) square feet for each lot over fifteen (15), dedicated or reserved as usable, common open space.
- .02 The land areas reserved for common open space need not be contiguous to each other, but no parcel dedicated or reserved for common open space shall be less than ten thousand (10,000) square feet in size.
- .03 The length of the common open space shall not be more than five (5) times the width of the common open space;
- .04 The common open space shall be easily accessible to all property owners within the subdivision;
- .05 Common open space land shall be clearly designated on the subdivision plat as to character of use and development and that it is intended for the private use of the residents of the subdivision.

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- .06 The following may be included in or considered part of common open space:
 - A. Environmentally sensitive land such as stream beds, marshes, and steep slopes; provided however, a minimum of fifty (50) percent of the land must be level ground that is contiguous and suitable for active recreation;
 - B. Bikeways, provided that right-of-way width is at least twelve (12) feet in width and there is a paved surface at least eight (8) feet wide, four (4) inches thick Portland Cement Concrete (PCC) or Hot Mix Asphalt (HMA), on a well drained subsoil base. A pervious or semi-pervious surface will also be allowed for bikeways, subject to the approval of the County Engineer. Such surface will require a well-graded subsurface to allow for sufficient drainage, along with a geo-textile fabric under the traveled surface. Other approved products include pervious PCC and HMA. The provisions of 25.040.03 above, shall not apply to bikeways.
- .07 The following shall not be included in or considered part of the common open space:
 - A. Areas reserved for the exclusive use or benefit of an individual tenant or property owner,
 - B. Dedicated roads, common wells, sewer treatment facilities, open drainage ditches, drainage storage areas, other public right-of-ways, and other areas deemed unsuitable open spaces;
 - C. Vehicular drives, parking, loading and storage area.
- .08 Suitable provisions for maintenance and upkeep of open space shall be provided through a home owners association, deed covenants, or through other similar provisions as may be approved by the County Board.

25.050 LOT DRAINAGE: Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

25.060 LOTS: The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in building on all lots and in providing driveway access to buildings on such lots from an approved road.

- .01 The lot size, width, depth, shape and orientation, and the minimum front yard setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall comply with the minimum standards of this Ordinance.
- .02 Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both roads.
- .03 Where lots are more than double the minimum required by this Ordinance, the County Board may require that such lots be arranged so as to allow further subdivision as well as the opening of future roads where necessary to serve such potential lots in compliance with the provisions of this Ordinance.
- .04 Depth and width of lots reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated.
- .05 Every lot shall abut and have access to a public road.

- .06 In general, side lot lines shall be at right angles to road lines, or radial to curving road lines, unless a variation from this requirement will give a better road or lot layout.
- .07 Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from arterial roads or to overcome specific disadvantages of topography and orientation.
- .08 Front lot lines shall not be less than 66 feet.

25.070 WATER SUPPLY AND SEWAGE DISPOSAL: Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the requirements and standards of the appropriate State, County or local agency.

For the purpose of providing adequate sewage disposal in areas serviced by onsite wastewater treatment and disposal systems, soil characteristics shall be highly instrumental in determining lot area. The minimum lot area for various land uses shall be determined by the following factors:

- .01 The ability to situate a private water well on the lot in accordance with Iowa Administrative Code Chapter 567-49, as amended.
- .02 The ability to situate two (2) onsite wastewater treatment and disposal systems on the lot in accordance with Iowa Administrative Code Chapter 567-69, as amended. The area dedicated for the second system is provided as a back up when the first system fails.
- .03 The ability to provide adequate off-street parking and off-street loading.

In the event the above-referenced features can be accommodated in the minimum lot area outlined above, said lot area shall be accepted as stated; however, in the event the above-referenced features cannot be accommodated in the specified minimum lot area outlined above, said lot area shall be increased to a size that can accommodate the above-referenced features.

25.080 ROAD LAYOUT AND DESIGN: The arrangement, character, extent, width, grade and location of all roads shall be designed with consideration of and in relationship to existing and planned roads, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such roads. The layout and design of roads in all subdivisions shall conform to the following:

- .01 Private roads shall not be permitted.
- .02 The road and alley layout shall provide access to all lots and parcels of land within the subdivision.
- .03 Road jogs of less than one-hundred fifty (150) feet shall be avoided.
- .04 Cul-de-sacs that exceed one-thousand (1000) feet in length shall, in addition to complying with the road standards required by this Chapter, be constructed as follows:
 - A. Paved surface shall be twenty-four (24) feet in width,
 - B. Two (2) foot rocked shoulders, with a two (2) percentage grade slope; and
 - C. Ten (10) foot grassed shoulders, with a four (4) percent slope.

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- .05 Proposed roads shall be adjusted to the contour of the land so as to produce useable lots and roads of reasonable gradients.
- .06 New subdivisions shall make provisions for continuation and extension of thoroughfares and collector roads.
- .07 No dead-end roads or alleys will be permitted except at subdivision boundaries.
- .08 Thoroughfare and collector roads in a subdivision shall extend through to the boundaries thereof.
- .09 Alleys shall not be permitted in residential areas, but shall be required in commercial and industrial areas.
- .10 Intersections of road center lines shall be between eighty (80) degrees and one-hundred (100) degrees.
- .11 Intersection of more than two (2) roads at a point shall not be permitted.
- .12 Where parkways or special types of roads are proposed, the County Engineer may approve special standards for the design of such parkways or streets.
- .13 Proposed roads that are extensions of or in alignment with existing roads shall bear the name of the existing road.
- .14 Minimum right-of-way shall be provided as follows:
 - A. Thoroughfares 100 feet
 - B. Collector Road 70 feet
 - C. Local Roads 66 feet
 - D. Cul-de-sacs 110 feet in diameter
 - E. Alleys 20 feet
- .15 Minimum width of surfacing to be provided shall be as follows:
 - A. Thoroughfares 24 feet paved with 2-10 foot rock shoulders
 - B. Collector Roads 24 feet paved with 2-10 foot rock shoulders
 - C. Local Roads
 - 1. With no on-street parking 24 feet paved with 2-2 foot rock shoulders
 - 2. With on-street parking on one (1) side 34 feet paved
 - 3. With on-street parking on both sides 44 feet paved
 - D. Cul-de-sacs 85 feet in diameter
 - E. Alleys 20 feet
 - F. Sidewalks 4 feet
- .16 No road grade shall be less than one-half (1/2) of one (1) percent and shall not exceed the following limits:
 - A. Thoroughfares 6 percent
 - B. Collector Roads 8 percent
 - C. Local Roads 10 percent

A flat zone, fifty (50) foot in length with no more than two (2) percent road grade, shall be provided where two roads intersect.
- .17 The length of blocks shall be not less than five-hundred (500) feet and not more than one thousand two-hundred fifty (1,250) feet in length.

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- .18 Blocks shall be sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two-hundred twenty (220) feet, except where a single tier of double frontage lots parallel with a Limited Access Highway, a thoroughfare, drainage course, railroad or other barrier. The width of said single tier frontage lots shall not be less than one-hundred (100) feet.
- .19 The entire width of right-of-way shall be clear and kept clear of obstacles including but not limited to fences, sprinkler systems, security systems, gates, trees, and bushes.
- 25.090 ROAD STANDARDS: Road standards including but not limited to right-of-way widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon, in addition to the requirements of Section 20.100, above, the standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the County Engineer.
- .01 Curb and gutter type construction of roads shall be required by the County Engineer in subdivisions wherein lot density and topography has the potential of creating erosion, drainage and/or stormwater management problems. Curbs and gutters shall be Portland Cement Concrete (PCC).
- .02 All pavements shall meet or exceed the structural equivalency of seven (7) inches of Portland Cement Concrete (PCC) or eight and one-half (8 1/2) inches of Hot Mix Asphalt (HMA), based on current AASHTO "Guide for Design of Pavement Structure". HMA shall be laid with a two (2) inch surface course lift.
- .03 All pavements shall meet or exceed minimum smoothness standards based on current Iowa Department of Transportation Standard Specifications, as stipulated in Section 2316.02-Measurements; 2316.03-Evaluation; and Section 2532-Pavement Surface Repair (Diamond Grinding).
- Final profile index shall not exceed forty (40) inches per mile or the current metric equivalent adopted by the Iowa Department of Transportation.
- All costs incurred to test for assurance that the minimum smoothness standards have been met shall be the responsibility of the developer.
- .04 Bump correction or smoothness correction or both may be required by the County Engineer. If required, the correction shall be completed before the final determination of pavement thickness. All bumps exceeding a vertical height of twenty-five hundredths (0.25) inch in a twenty-five (25) foot span, as indicated on the profile trace, shall be corrected by the developer. Corrections will also be required, in lengths excluded from the profilogram, for deviations exceeding one-eighth (1/8) inch in ten (10) feet; however, on asphalt pavements the surface shall be corrected only with approval of the County Engineer. Also, when an additional full width lane for through traffic is to be constructed, bump correction of the new pavement will not be required if the bump also occurs at the location in the adjacent lane. The corrected bumps will be considered satisfactory when measurement by the profilograph shows that the bumps are twenty-five hundredths (0.25) inch or less in a twenty-five (25) foot span.
- .05 Roads that exceed one thousand (1000) feet in length shall use a slip form paver when furnishing Portland Cement Concrete (PCC).
- 25.100 ACCESS TO ARTERIALS: Where a subdivision borders on or contains an existing or proposed arterial road, the County Board may require that access to such roads be limited by one of the following means:

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- .01 The subdivision of lots so as to back onto the arterial road and front onto a parallel local road. No access shall be provided from the arterial road and screening shall be provided in a strip of land along the rear property line of such lots.
 - .02 A series of cul-de-sac or loop roads, entered from and designed generally at right angles to such parallel road, with the rear lines of their terminal lots backing onto the arterial road.
 - .03 A marginal access road, separated from the arterial road by a buffer or grass strip and having access thereto at suitable points.
 - .04 Where the County Board determines that driveway access directly from an arterial road is necessary for several adjoining lots, the County Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such road. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial roads.
- 25.110 RAILROADS AND LIMITED ACCESS HIGHWAYS: Railroad right-of-ways and limited access highways where located as to affect the subdivision of adjoining lands shall be treated as follows:
- .01 In residential subdivisions, a buffer strip of at least twenty-five (25) feet in depth, in addition to the minimum lot depth of the lot required by this Ordinance, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the final plat- "This strip is reserved for screening. The placement of structures hereon is prohibited."
 - .02 In nonresidential subdivisions, the nearest road extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance there from to ensure suitable depth for the commercial or industrial sites.
 - .03 Roads parallel to a railroad or limited access highway when intersecting a road which crosses the railroad or limited access highway at grade shall, to the extent practical, be at a distance of at least one hundred fifty (150) feet from such right-of-way. Such distance shall be determined with consideration of the minimum distance required for further separation of grades by means of appropriate approach gradients.
- 25.120 WATER SUPPLY: The developer shall make provisions to assure that an approved, adequate supply of potable water exists for every lot of a plat, division or subdivision of land or can be provided during the development of every lot in the division as follows:
- .01 Where an adequate public water supply system is within one thousand (1000) feet of a two (2) lot division or within two thousand five hundred (2500) feet of a subdivision of three (3) or more lots, the developer shall provide a complete public water supply system, including all hydrants, valves and other appurtenances and a service connection to each lot throughout the entire subdivision.
- Such system shall extend into and through the division or subdivision to the boundary lines and shall be connected to a public water system. Such water supply system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities. All water mains shall be of such size as to support the use of fire hydrants, as described below.
- Fire hydrants shall be required for all division or subdivisions provided with a public water supply. Fire hydrants shall be placed in accordance with the International Fire Code as adopted by the State of Iowa. To eliminate future road excavations, all underground utilities for fire hydrants, together with the fire hydrants themselves and all

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other supply improvements, shall be installed before any final surfacing of a road shown on the final plat.

- .02 Where an adequate public water supply system is reasonably accessible, the developer may provide a rural water system, including all valves and other appurtenances and a service connection to each lot throughout the entire subdivision.
- .03 Where an adequate public water supply system is not reasonably accessible, the developer may provide a complete common water supply. Such water supply system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
- .04 Where an adequate public or common water supply system is not reasonably accessible or not required, private water wells shall be used for the purpose of providing a private water supply system.

Prior to construction of a residential structure, the developer shall demonstrate the availability of water on the lot or provide the necessary easements for access to an adequate water supply. Each test hole shall be numbered and its location shown on the preliminary plat as applicable. The well number shall correspond with the Iowa Department of Natural Resources Water Well Supply generated well number. All tests shall be performed in accordance with Iowa Administrative Code Chapter 567-49, as amended.

25.130 SANITARY SEWER: The developer shall make provisions to assure that an approved, sanitary means of sewage disposal exists for every lot in the subdivision or can be provided during the development of every lot in the subdivision as follows:

- .01 Where an adequate public sanitary sewer system is within one thousand (1000) feet, if practicable or accessible, the developer shall provide a complete public sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall extend into and through the subdivision to the boundary lines and shall connect to a public sanitary sewer system. Such sanitary sewer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.
- .02 Where an adequate public sanitary sewer system is not reasonably accessible, the developer may provide a complete common sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall be designed and constructed in accordance with the standards and requirements of the Department of Natural Resources.
- .03 Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.
 - A. The developer will be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision. Each test hole shall be numbered and its location and results shown on the preliminary plat as applicable. All tests shall be performed in accordance with the Iowa Administrative Code Chapter 567-69, as amended.
 - B. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

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- 25.140 STORM SEWER: Adequate storm sewer systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlets and catch basins and be connected to an approved outfall. There shall be provided storm-water sewers or a surface drainage system to serve adequately the area being subdivided considering but not limited to the use of existing drainage channels whenever possible. The design of the drainage system shall consider the storm drainage area of which the subdivision is a part and existing watercourses. All storm drainage facilities shall be constructed based upon criteria established by the County Engineer. The County shall only be responsible for maintenance of storm water sewer structures which lie within the County Road right-of-way.
- 25.150 EASEMENTS: Easements shall be provided for utility service, including storm sewer drainage structures, where necessary. Easements for sanitary sewer, storm sewer facilities and water supply and distribution lines shall be at least twenty (20) feet in width and other easements shall be at least ten (10) feet in width. All easements shall be established where practicable at the rear of each lot and along such other lot lines to provide continuity of alignment from block to block. Drainage easements may also be established along the side lot line of a lot; however, the combined width of such easements shall be equally divided between adjoining lots within any proposed subdivision.
- .01 All utility distribution lines for telephone, electric, natural gas and cable television service to be installed shall be placed underground within easements or dedicated public right-of-ways. The installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the State of Iowa, now or hereafter effective, and the owner or developer of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities. It shall be the responsibility of the appropriate utility company to obtain the necessary permits from the County Engineer prior to the installation of the said utility distribution lines.
 - .02 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated storm water drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and to allow access to the structure for construction and maintenance equipment.
 - .03 A screen planting easement may be required between residential and commercial or industrial lots. If such easement is to be used for public utilities, additional width may be required to assure that maintenance of the utilities would not be detrimental to the plantings.
 - .04 Parks situated in the interior of blocks shall have direct and public access to surrounding roads by an easement at least twenty (20) feet wide. Maintenance shall be covered by the protective covenants.
- 25.160 RESERVE STRIPS: The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.
- 25.170 SUBDIVISION NAME: The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the County, the name of an incorporated farm, nor the registered trade name of a business. Said name of the subdivision shall be approved by the County Auditor.
- 25.180 ROAD NAMES: The proposed names of all new roads shall be shown on the preliminary plat and such names shall be sufficiently different in sound and in spelling from other road names in the County so as not to cause confusion. Proposed names shall be submitted to the Mills County E911 Board for review. The County Board reserves the right to alter or change the

proposed name of any road at any time prior to the approval of the final plat. Proposed roads which are in alignment with other already existing and named roads shall bear the names of such existing roads. The name of a proposed road which is not in alignment with an existing road, shall not duplicate the name of any existing road, irrespective of the use of the suffix road, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or other similar suffix.

- 25.190 ROAD REGULATORY SIGNS: At the time of final plat approval, the developer shall pay the County the total cost, including installation, for all road regulatory signs, including road name signs, required by the County Engineer along all roads and at all intersections within or abutting the subdivision.
- 25.200 PEDESTRIAN WALKWAYS: Pedestrian walkways may be required by the County Board through the center of blocks of more than six hundred (600) feet in length where deemed essential to provide circulation or access to schools, parks, shopping centers, transportation, or other community facilities. A pedestrian walkway shall have a width of not less than ten (10) feet. A sidewalk, constructed in accordance with the requirements of Section 25.230 below, for sidewalk improvements, shall be placed along the entire length of such walkway.
- 25.210 SIDEWALKS: Whenever provided, sidewalks shall be constructed of Portland Cement Concrete (PCC) in accordance with the design standards and specifications approved by the County Engineer. Sidewalks shall be a minimum of four (4) feet in width and four (4) inches in depth and shall be located within the road right-of-way, parallel to and within two (2) foot of the lot line.
- .01 Sidewalks may be provided for all roads in nonresidential subdivisions.
- .02 Sidewalks shall be required on either side of all roads in subdivisions where the majority of the lots are ten thousand (10,000) square foot or less.
- 25.220 ENTRANCES INTO INDIVIDUAL LOTS: All individual driveway entrances shall be placed and constructed in accordance with the Chapter 4 Entrance and Driveway of Title I Administration of the Mills County Code of Ordinances. It shall be the financial responsibility of the developer to pay for the material and labor required to install individual driveway entrance tubes along County roads, when so required by the County Engineer. This expense may be borne by a subsequent lot owner at the time development of the lot takes place.
- Site numbers shall be posted at all individual driveway entrances in accordance with Chapter 3 - Uniform Rural Address System of Title I - Administration of the Mills County Code of Ordinances.
- 25.230 MONUMENTATION: The developer's licensed land surveyor shall cause to be placed permanent reference monuments in the subdivision as required in Iowa Code Chapter 355, as amended.
- 25.240 SELF-IMPROVED RESTRICTIONS: The County Board shall have the right to agree with the developer regarding the type and character of the development to be permitted within the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in any protective covenants. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to be the most appropriate character of development in the property to which is subdivided.

CHAPTER 26
PARCEL AND LOT SIZE REQUIREMENTS

- 26.010 RESIDENTIAL PARCEL AND LOT SIZE REQUIREMENTS. The minimum residential parcel and lot sizes shall be as follows:

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- .01 Minimum Lot Size
 - A. 2 acres without water and sewer
 - B. 25,000 square feet with well and public sewer
 - C. 10,000 square feet with both public water and sewer
- .02 Minimum Front Yard Setback
 - A. 75 feet without water and sewer
 - B. 35 feet with both public water and sewer
- .03 Minimum Side Yard Setback
 - A. 10 feet without water and sewer
 - B. 10 feet with both public water and sewer
- .04 Minimum Rear Yard Setback
 - A. 25 feet without water and sewer
 - B. 25 feet with both public water and sewer
- .05 Minimum Lot Width
 - A. 300 feet without water and sewer
 - B. 75 feet with both public water and sewer
- .06 Minimum Lot Depth
 - A. 300 feet without water and sewer
 - B. 133 feet with both public water and sewer

26.020 COMMERCIAL/INDUSTRIAL LOT SIZE REQUIREMENTS: The minimum lot size for a commercial or industrial lot shall be as follows:

- .01 Minimum Lot Size
 - A. 5 acres without water and sewer
 - B. 25,000 square feet with both public water and sewer
- .02 Minimum Front Yard Setback
 - A. 50 feet without water and sewer
 - B. 25 feet with both public water and sewer
- .03 Minimum Side Yard Setback
 - A. 10 feet without water and sewer
 - B. 10 feet with both public water and sewer
- .04 Minimum Rear Yard Setback
 - A. 50 feet without water and sewer
 - B. 25 feet square feet with both public water and sewer
- .05 Minimum Lot Width
 - A. 500 feet without water and sewer
 - B. 150 feet with both public water and sewer

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- .06 Minimum Lot Depth
 - A. 436 feet without water and sewer
 - B. 167 feet with both public water and sewer

CHAPTER 30
FEES

- 30.010 FILING FEES REQUIRED: A filing fee, in accordance with the established fee schedule, shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitting the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.
- 30.020 FEE SCHEDULE: The cost of each application fee can be found in the Schedule of Fees adopted by Resolution by the Board of Supervisors.
- 30.030 PAYMENT OF FEES: All fees mentioned above shall be made payable to the County Treasurer. The fee shall be attached to the respective application submitted to the County Auditor.
- 30.040 FEE REFUND: Whether the request is granted or denied by the County Auditor, County Engineer or County Board, the applicant shall not be entitled to a refund of the fee.

CHAPTER 35
ENFORCEMENT AND LEGAL STATUS PROVISIONS

- 35.010 NOTICE TO ABATE VIOLATION: Whenever the County Board or County Engineer finds that a violation of this Ordinance has occurred, the County Engineer shall cause to be served upon the property owner, as shown by the records of the County Auditor, a written notice to abate the violation within a reasonable time after notice.
- 35.20 CONTENTS OF NOTICE TO ABATE: The notice to abate shall contain:
 - .01 A description of what constitutes the violation of the Ordinance.
 - .02 A statement of the act or acts necessary to abate the violation.
 - .03 A reasonable time within which to complete the abatement.
 - .04 A statement that if the violation is not abated as directed and no request for hearing with the officer ordering the abatement is made within the time prescribed, the County will proceed with other action as outlined in this Chapter.
- 35.030 METHOD OF SERVICE OF NOTICE TO ABATE VIOLATION: The notice to abate violation may be served by certified mail to the property owner as shown by the records of the County Auditor.
- 35.040 REQUEST FOR HEARING AND APPEAL: Any person ordered to abate a violation of this Ordinance may request a hearing before the officer ordering the abatement. The officer shall conduct a hearing as to whether a violation exists. A person ordered to abate a violation shall request a hearing in writing and deliver said request to the officer ordering the abatement within the time stated in the notice. If the person fails to request a hearing, it will be conclusively presumed that a violation exists and it must be abated as ordered in the notice.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a violation exists. If the officer finds a violation exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. A person ordered to abate

a violation may appeal the hearing officer's decision to the County Board by requesting a hearing in writing and delivering said request to the County Auditor. If the person fails to appeal the hearing officer's decision, it will be conclusively presumed that a violation exists and it must be abated as ordered in the hearing officer's written decision. A person ordered to abate a violation may appeal the decision of the County Board by filing an action in the Iowa District Court For Mills County.

35.050 VIOLATIONS AND PENALTIES: Any person who violates, disobeys, omits, neglects, refuses or fails to comply with this Ordinance shall be deemed guilty of committing a county infraction as defined in Chapter 7 – Violations And Penalties of Title I – Administration of the Mills County Code of Ordinances.

- .01 Each and every day that the violation is permitted to exist after notification shall constitute a separate offense.
- .02 Each and every violation (including each and every lot or parcel sold) or noncompliance with the separate provisions of this Ordinance shall constitute a separate offense.
- .03 The owner of the land, and any agent, engineer, land surveyor, contractor, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein.
- .04 Enforcement of a county infraction shall be pursuant to Iowa Code Section 331.307, as amended.
- .05 Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including, but not limited to, criminal prosecution, an order for abatement or injunctive relief.
- .06 Nothing herein contained shall prevent the County from taking such other lawful action as necessary to prevent or remedy any violation.

35.060 OTHER LEGAL REMEDIES: In addition to the penalties described above, the County Board or other proper local authorities of the County, as well as any owner of real estate within the jurisdiction of the County affected by the regulations, may institute any appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

Section 3. REPEALER. All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

Section 4. SEVERABILITY. 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 provision thereof not adjudicated to be invalid or unconstitutional.

Section 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

First Reading: May 8, 2007

Second Reading: Waived

Third Reading: Waived

Approved:

Ronald E. Kohn
Ronald E. Kohn
Chair - Board of Supervisors

May 8, 2007
Date

Attest:

Carol Robertson
Carol Robertson
Mills County Auditor

May 8, 2007
Date

*Ordinance 2007-2
5-8-2007
Approved the County Clerk
of Ordinance - Robertson*

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Vicki McIntire Business
Mills County Recorder

ORDINANCE NO. 2007 - 02

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY REPEALING TITLE III – SUBDIVISION REGULATIONS AND ADOPTING THE NEW TITLE III – SUBDIVISION REGULATIONS SETTING FORTH THE RULES, REGULATIONS AND MINIMUM STANDARDS CONCERNING PROPERTY SPLITS, PROPERTY LINE ADJUSTMENTS AND THE DESIGN, DEVELOPMENT AND IMPROVEMENT OF ALL NEW SUBDIVISIONS AND RE-SUBDIVISIONS IN MILLS COUNTY, IOWA.

BE IT THEREFORE ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Section 1. AMENDMENT. Title III– Subdivision Regulations is hereby repealed and a new Title III– Subdivision Regulations is enacted as follows:

Section 2. TITLE III – SUBDIVISION REGULATIONS

CHAPTER I
GENERAL PROVISIONS

1.010 **TITLE:** This Ordinance shall be known, cited and referred to as the "Mills County, Iowa, Subdivision Ordinance".

1.020 **PURPOSES AND OBJECTIVES:** This Subdivision Ordinance is adopted to establish rules, regulations and minimum standards for property splits, property line adjustments and for the design, development and improvement of all new subdivisions and re-subdivisions within the County. All in accordance with and as permitted by the provisions of Iowa Code Chapter 354, as amended, and the Mills County Zoning Ordinance.

The purpose and objective is to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the present and future citizens of Mills County, Iowa. It shall be administered in order to insure the orderly growth, development, conservation, and protection of Mills County, Iowa. It shall provide adequate provisions for public utilities, services and circulation. It shall cause the cost of design and installation of improvements required for a subdivision to be borne by the developer, rather than by a direct or indirect burden upon property owners beyond the limits of the subdivision.

The division of agricultural land in which use is not changed shall be exempt from this ordinance concerning sewer/septic and water requirements.

1.030 **JURISDICTION:** The provisions of this Ordinance shall apply to all of the unincorporated territory of Mills County, Iowa. This jurisdiction includes the entire unincorporated area of Mills County unless the County has entered into a 28E Agreement with a municipality concerning the review of subdivision plats and procedures.

1.035 **SKETCH PLAT PROCEDURE:** A sketch plat application indicating the proposed division of property, property line adjustment or proposed subdivision shall be submitted, along with the required fee, to the County Auditor's Office. After tentative approval of the sketch plat application by the County Auditor, the owner of the property shall proceed with the plat of survey and/or the preliminary plat application. After approval of the preliminary plat by the County Board, the owner/developer shall then proceed with the preparation of the construction plan, if required, and the final plat.

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A complete description of these processes and the associated fees can be found in the following chapters of this Ordinance: Chapter 5 – Sketch Plat Application; Chapter 10 – Preliminary Plat Application; Chapter 15 – Construction Plans; Chapter 20 – Final Plat Application. The Schedule of Fees for these processes can be obtained from the County Auditor's office.

1.040 PLATS IN UNINCORPORATED AREAS WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF CITIES:

In the event a subdivision lies in the County and also lies within the area of review established by a City pursuant to Iowa Code Section 354.9, as amended, the procedures for review and approval of the preliminary and final plat shall be the same as established by this Ordinance, unless the County and City have entered into a 28E agreement which identifies the standards and conditions for the approval of plats in said subdivision.

Such a plat shall be considered to have been approved and authorized for filing with the County Auditor and County Recorder only after it has been approved by the County Board, as prescribed by this Ordinance, and by the City Council of that city.

1.050 APPLICATION OF REGULATIONS: The regulations set forth by this Ordinance shall apply to all property splits, property line adjustments and subdivisions of land, as defined herein, located within the jurisdiction of the County.

- .01 No plat of any subdivision within the application of this Ordinance has any validity until the plat has been prepared, approved and acknowledged in the manner prescribed in this Ordinance.
- .02 No person shall split, adjust and/or subdivide any tract or parcel of land for the purpose of sale, transfer or lease with the intent of evading the provisions of this Ordinance. All such described actions shall be subject to all the requirements contained in this Ordinance.
- .03 No permit, license or certificate shall be issued by a department, official or public employee of the County vested with such duty or authority, for any use, building or other purpose on a parcel or tract which is not a lot of record at the effective date of this Ordinance or which has not been approved and recorded in accordance with the provisions of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.
- .04 No public improvements shall be made by the County Board with County funds, nor shall any County funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the effective date of this Ordinance, unless such subdivision and roads have been approved in accordance with the provisions of this Ordinance and the road accepted by the County Engineer as a public road.

1.060 CLASSIFICATION OF DIVISIONS: Except as provided in Section 1.070 below, whenever any division of a tract or parcel into two (2) or more parcels is proposed and before any contract is made for the sale of any part thereof, the owner of the land, or his authorized agent, shall apply and secure approval for the particular type of proposed division, as follows:

- .01 The procedure for approval of a major subdivision, as defined in Section 2.630.01 below, shall consist of:
 - A. Sketch Plat Application, as described in Chapter 5.
 - B. Preliminary Plat Application, as described in Chapter 10.

- C. Final Construction plans, as described in Chapter 15.
- D. Final Plat Application, as described in Chapter 20.
- .02 The procedure for approval of a minor subdivision, as defined in Section 2.630.02 below, shall consist of:
 - A. Sketch Plat Application, as described in Chapter 5.
 - B. Preliminary Plat Application, as described in Chapter 10.
 - C. Final Plat Application, as described in Chapter 20.
- .03 The procedure for approval of a property split, as defined in 2.630.03 below, shall consist of a Sketch Plat Application, as described in Chapter 5.
- .04 The procedure for approval of a property line adjustment, as defined in 2.630.04 below, shall consist of a Sketch Plat Application, as described in Chapter 5.
- 1.070 EXEMPTIONS: Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:
 - .01 The division of land into burial lots in a cemetery.
 - .02 A conveyance of land or interest therein for use as right-of-way by a railroad or other public utility subject to State or Federal regulations, where such conveyance does not involve the creation of any new public or private road or easement of access.
 - .03 A conveyance of land or interest therein to adjoining property owners of vacated right-of-way by a railroad or other public utility subject to State or Federal regulation, where such conveyance does not involve the creation of any new parcel.
 - .04 A conveyance of land to the State or County for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.
 - .05 A conveyance of land in forty-acre aliquot parts.
 - .06 Court order.
- 1.080 VARIANCES: Where in the case of a particular proposed subdivision, it can be shown that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, the County Board may approve variances from the provisions of this Ordinance so that substantial justice may be done and the public interest secured; however, such variances shall not have the effect of nullifying the intent and purpose of these regulations.
 - .01 The landowner shall submit in writing the request for a variance, along with the required fee, to the County Auditor. Such request shall describe how full compliance with Ordinance requirements constitutes an undue hardship.
 - .02 The County Board shall not approve variances unless it makes findings based upon the evidence presented to it, in each specific case, that:
 - A. The granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare or the rights of adjacent property owners.

- B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 - D. The variance will not adversely affect the County's Comprehensive Plan.
- .03 In no case shall any variance be more than a minimal easing of the standards or requirements, as necessary, to eliminate the hardship. In no case shall any road standard variance have the effect of reducing the traffic capacity of any road.
- .04 In approving variances, the County Board may require such conditions that will, in its judgment, substantially secure the objectives of the standards or requirements of this Ordinance.
- 1.090 VACATION PROCEDURES: The provisions concerning the vacation of plats shall be as set forth in Iowa Code Chapter 354, as amended.
- 1.100 INTERPRETATION OF STANDARDS: In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, covenants, or other provisions of law, the most restrictive, or that imposing the higher standards, shall govern.

CHAPTER 2
DEFINITIONS

- 2.000 For the purpose of this Ordinance, certain terms and words are hereby defined in this Chapter. If a conflict exists with these definitions, those in the Zoning Ordinance shall prevail.
- 2.010 CONSTRUCTION OF TERMS: The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.
- .01 TENSE: Words used in the present tense include the future tense.
 - .02 NUMBER: Words used in the singular include the plural, and words in the plural include the singular.
 - .03 SHALL, MUST AND MAY: The word "shall" and "must" are mandatory; the word "may" is permissible.
 - .04 GENDER: The masculine shall include the feminine and the neuter.
 - .05 PERSON: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - .06 USED OR OCCUPIED: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
 - .07 HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context

thereof, said heading shall not be deemed to affect the scope, meaning or intent of such context.

- 2.020 ABUTTING: A common boundary. Land areas separated by a public or private road, highway, alley or way, or by a waterway or body of water shall not be construed as abutting herein.
- 2.030 ALLEY: A dedicated public right-of-way, other than a road, which provides only a secondary means of access to abutting property.
- 2.040 ALIQOT PART: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4) or one quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.
- 2.050 AUDITOR'S PLAT: A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor. Such plats are not intended to satisfy the requirements of this Ordinance.
- 2.060 BLOCK: An area of land within a subdivision that is entirely bounded by public roads or lands, streams, railroads, unplatted lands or a combination thereof.
- 2.070 BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
- 2.080 BUILDING SETBACK LINE: The required minimum horizontal distance between the front, rear or side lines of the parcel or tract and the front, rear or side lot line of the building or any lot improvements. Setback may also be referred to as required yard.
- 2.090 COMMON LAND OR OPEN SPACE: An area of undivided land or water, or combination thereof, which is owned jointly by all property owners of the subdivision, but not specifically assigned, planned for passive or active recreation, pedestrian access, and the enjoyment and benefit of the owners and occupants of the individual building sites of said development.
- 2.100 COMMON SEWER SYSTEM: A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency, and which does not include individual septic systems.
- 2.110 COMMON WATER SYSTEM: A central water system available to each platted lot from one single source approved by the appropriate County and/or State agency.
- 2.120 COMPREHENSIVE PLAN: A general plan for the improvement and development of Mills County, Iowa, as adopted by the County Board. This document may also be referred to as the Land Use Plan.
- 2.130 CONVEYANCE: An instrument filed with the County Recorder as evidence of the transfer of title of land, including any form of deed or contract.
- 2.140 COUNTY: Mills County, Iowa.
- 2.150 COUNTY ASSESSOR: The County Assessor of Mills County, Iowa.
- 2.160 COUNTY AUDITOR: The County Auditor of Mills County, Iowa.
- 2.170 COUNTY BOARD: The Board of Supervisors of Mills County, Iowa.
- 2.180 COUNTY ENGINEER: The County Engineer of Mills County, Iowa.

- 2.190 COUNTY INFRACTION: A civil offense punishable by a civil penalty.
- 2.200 COUNTY RECORDER: The County Recorder of Mills County, Iowa.
- 2.210 COUNTY TREASURER: The County Treasurer of Mills County, Iowa.
- 2.220 DESIGN STANDARDS AND SPECIFICATIONS: All requirements and regulations relating to the design and layout of subdivision as set forth in this Ordinance.
- 2.225 DEPARTMENT OF NATURAL RESOURCES: The Department of Natural Resources for the State of Iowa.
- 2.230 DEVELOPER: The owner or his authorized agent of the land to be subdivided. Consent shall be required from the legal owner of the premises.
- 2.240 DIVISION: Dividing a tract or parcel of land into two parcels of land by conveyance for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this Ordinance.
- 2.250 EASEMENT: A grant by the property owner to the public, a corporation, or persons of the use of a portion of a tract or parcel of land for a specific purpose or purposes.
- 2.260 EASEMENT OF ACCESS: An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway, which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private road.
- 2.270 FINAL CONSTRUCTION PLANS: The maps and detailed drawings of a subdivision which show the specific location and design of improvements to be installed in the subdivision in accordance with the provisions of this Ordinance.
- 2.280 FINAL PLAT: The map or drawing of a subdivision in its final form which is submitted with its accompanying material to the County for approval and which, if approved, will be submitted to the County Recorder for recording.
- 2.290 FORTY ACRE ALIQUOT PART: One-quarter of one-quarter of a section.
- 2.300 FRONTAGE: That portion of a tract or parcel abutting upon a road.
- 2.310 GOVERNMENT LOT: A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
- 2.320 GRADE: The slope of a road or other surfaces specified in percentage terms.
- 2.325 GRANTEE: One to whom a grant is made.
- 2.326 GRANTOR: The person by whom a grant is made. A transferor of property.
- 2.330 LICENSED PROFESSIONAL ENGINEER: A licensed professional engineer authorized and licensed by the State of Iowa.
- 2.340 LICENSED LAND SURVEYOR: An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa, as amended.
- 2.350 LOT: A tract of land represented and identified by number or letter designation on an official plat.

- 2.360 LOT FRONTAGE: That portion of a tract or parcel of land which abuts a road. Each side of a lot so abutting a public or private road shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the road right-of-way line.
- 2.370 LOT IMPROVEMENTS: Any building, structure, place, work of art, or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in this Ordinance.
- 2.380 LOT LINES: The property lines bounding a tract or parcel.
- .01 FRONT LOT LINE: The lot line separating the front of the tract or parcel from the road; however, for purposes of determining tract or parcel requirements in cases where the front lot line is located within a road or highway right-of-way or easement of access, the road right-of-way line shall be used. In the case of a corner lot, that part of the tract or parcel having the narrowest frontage on any road shall be considered the front lot line. As provided in Chapter 3 - Uniform Rural Address System of Title I - Administration of the Mills County Code of Ordinances, structures shall be addressed where the driveway intersects the existing private easement road, existing private road or public road. Front yards and driveway entrances shall not be relocated without prior approval of the County Board and the Mills County E911 Board.
- .02 REAR LOT LINE: The lot line which is opposite from the front lot line.
- .03 SIDE LOT LINE: Any lot line other than a front or rear lot line. A side lot line separating a tract or parcel from a front or rear lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 2.390 LOT MEASUREMENTS: For the purposes of this Ordinance the following lot measurements shall apply:
- .01 LOT AREA: The gross horizontal area within the lot lines of a lot. For the purpose of calculating "minimum lot area", the area contained within a road or highway right-of-way easement or easement of access shall not be included.
- .02 LOT DEPTH: The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
- .03 LOT WIDTH: The horizontal distance between the side lot line as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback. In the case of a "flag" or "cul-de-sac" lot, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the front most portion of the proposed principal structure.
- 2.400 LOT OF RECORD: A lot which is part of a subdivision recorded in the Office of County Recorder, or an Auditor's Subdivision lot, a tract, or a parcel, the description of which has been so recorded in the Office of County Recorder prior to the effective date of this Ordinance.
- 2.410 LOT TYPES: For the purpose of this Ordinance the following types of lots are defined:
- .01 CORNER LOT: A lot located at the intersection of two (2) or more roads, having the road right-of-way about the front and one (1) or more side lines of the lot. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

- .02 DOUBLE FRONTAGE LOT: A lot, other than a corner lot, having frontage on two (2) or more nonintersecting roads.
- .03 FLAG LOT: An interior lot which is generally located behind other lots and which would be a land-locked area of land if not for a narrow strip of land, used exclusively for access purposes, connecting the area with a public or private road. The minimum bulk requirements for a flag lot, excluding the strip, shall be the same as required for other lots. The width of the strip shall be a minimum of sixty-six (66) feet.
- .04 INTERIOR LOT: A lot having no road frontage with access only via easement.
- 2.420 METES AND BOUNDS DESCRIPTION: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
- 2.430 NONRESIDENTIAL SUBDIVISION: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.
- 2.440 OWNER: The holder of legal title including holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees, and the like. Whenever a statement of ownership is required by this Ordinance, full disclosure of all legal and equitable interests in the property is required.
- 2.450 PARCEL: A part of a tract of land.
- 2.460 PEDESTRIAN WALKWAY: A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.
- 2.470 PERFORMANCE GUARANTEE: A contract between the County and a developer which assures that the developer will bear the cost of all required infrastructure improvements and maintenance to said improvements.
 - .01 PERFORMANCE BOND: A kind of insurance, in the form of a bond payable to the County, in the amount determined necessary by the County Engineer to complete the required improvements in the event the developer fails to do so.
 - .02 ESCROW ACCOUNT: A bank account that the developer deposits either cash, a note, a bond, or some other instrument readily convertible to cash in the amount determined necessary by the County Engineer to complete the required improvements in the event that the developer fails to do so. An escrow account is payable to the County on demand.
 - .03 LETTER OF CREDIT: A letter of credit secured by the developer from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the developer fails to do so. The amount of the letter of credit shall be determined by the County Engineer and shall be payable to the County on demand.
- 2.480 PLAT: A subdivision as it is represented by a formal document of maps or drawings, and writing.
- 2.490 PLAT OF SURVEY: The graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor, in accordance with Iowa Code Chapter 354, as amended.
- 2.500 PRELIMINARY PLAT: A map or drawing which show the proposed layout and construction of a subdivision and its proposed improvements in sufficient detail to indicate its workability and

which is submitted with its accompanying material to the County Auditor for approval, but is not drafted in final form for recording.

- 2.504 PROPERTY-LINE ADJUSTMENT: A division of one (1) or more lots or parcels where no additional lots or parcels are created. No part of the divided lot or parcel of land will be transferred to anyone other than the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
- 2.505 PROPERTY SPLIT: A division of a tract or parcel. No more than three parcels shall be created per forty-acre aliquot part that exists on or after Feb. 1, 1999, the original date of this Ordinance. This provision shall not be construed so as to prohibit approval of a property line adjustment.
- 2.510 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 a mortgage, easement or lien interest.
- 2.520 PROTECTIVE COVENANTS: Contracts entered into between private parties and which constitute restrictions of all private property within the subdivision for the benefit of property owners against the lessening of property values.
- 2.530 PUBLIC IMPROVEMENT: Any road surface material, curbs, gutters, sidewalks, water or sewer systems, storm sewers or drainage systems, lot or road grading, road lighting, road signs, plantings or other items constructed for the welfare of the property owners and the public which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be properly bonded.
- 2.540 QUALIFIED OBSERVER: An individual certified by the Iowa Department of Transportation as an observer in the major phase of construction that they are inspecting.
- 2.550 QUARTER-QUARTER SECTION: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.
- 2.560 REPEAT OFFENSE: A recurring violation of the same section of the Mills County, Iowa, Subdivision Ordinance.
- 2.570 RESUBDIVISION/REPLAT: Any subdivision of land which has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land. Resubdivision/replats shall follow the same procedure as set forth for a minor or major subdivision, whichever may be applicable.
- 2.580 RIGHT-OF-WAY: The land or water area, the right to possession of which is secured or reserved for public purposes.
- 2.590 ROAD: The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term "road" shall include street, avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation.
 - .01 ARTERIAL ROAD: Any road serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the County, which forms part of a network of through roads, or which provides service and access to abutting properties only as a secondary function.

- .02 COLLECTOR ROAD: Any road designed primarily to gather traffic from local roads and carry it to the arterial system.
 - .03 COUNTY ROAD: Any road, other than a highway, which is not located within a platted subdivision approved by the County.
 - .04 CUL-DE-SAC: A road having one (1) end connection with a public or private road and being terminated at its other by a vehicular turnaround.
 - .05 DEAD-END ROAD: A local road having only one (1) outlet connecting to another road.
 - .06 HIGHWAY: An officially designated Federal or State numbered highway, or other major street or road designated by the County as a thoroughfare.
 - .07 LOCAL ROAD: A road designed primarily to provide access to abutting properties and to discourage through traffic.
 - .08 MARGINAL ACCESS ROAD: A local road which is parallel with an adjacent highway or arterial road and which provides access to abutting properties and provides protection from fast, through traffic on the highway or arterial road.
 - .09 PRIVATE ROAD: All land between right-of-way lines dedicated to the public, but not accepted into a governmental road system.
 - .10 PUBLIC ROAD: All land between right-of-way lines dedicated to and accepted by a governmental agency.
- 2.600 ROAD RIGHT-OF-WAY LINE: A dividing line between a tract or parcel of land and the contiguous road. The boundary line of a road.
- 2.610 SKETCH PLAT: A freehand sketch drawing which depicts the proposed division of a tract or parcel of land, which meets the requirements of this Ordinance.
- 2.620 SOIL AND WATER CONSERVATION DISTRICT: The Soil and Water Conservation District Office for Mills County, Iowa.
- 2.630 SUBDIVISION: The division of a tract or parcel of land into three (3) or more parcels, lots, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.
- .01 MAJOR SUBDIVISION: All subdivisions not classified as either a minor subdivision, parcel split or property line adjustment; including but not limited to, any size subdivision requiring new public roads, or the extension of any public facilities, or the creation of any public improvements.
 - .02 MINOR SUBDIVISION: A subdivision of land in which all new lots front on and have direct access from an existing public or private road and wherein no new public roads are to be created or sought to be dedicated or contemplated to project through the proposed subdivision.
- No new lot created in either a major or minor subdivision shall conflict with any provisions or portion of this Ordinance.
- 2.640 SUBDIVISION PLAT: The graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.

- 2.650 TRACT: An aliquot part of a section, a lot within an official plat, or a government lot.
- 2.660 VACATION: To make void or annul.
- 2.670 ZONING ORDINANCE: The rules, regulations and minimum standards which apply to the use of property within specific areas of Mills County.

CHAPTER 5
SKETCH PLAT APPLICATION

- 5.010 DISCUSSION OF REQUIREMENT: Before preparing a sketch plat, the developer may discuss with the County Auditor the requirements and procedure for approval of a property line adjustment or property split.
- 5.020 APPLICATION FOR SKETCH PLAT APPROVAL: An application for sketch plat approval shall be filed with the County Auditor, along with the required fee. The application shall be accompanied by such information and documentation as shall be prescribed by this Ordinance.

The application shall contain the following information and documentation:

- .01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
 - .02 The name of the road adjacent to the subject property or properties.
 - .03 The legal description of the subject property or properties.
 - .04 The present and proposed use of the subject property or properties.
 - .05 A statement of any existing easements affecting the subject property.
 - .06 A statement indicating the source of water supply and sanitary sewer disposal types along with the distance to the nearest public water and public sewer.
 - .07 A copy of the sketch plat, as described in Section 5.030 below.
 - .08 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
 - .09 For a property split or a subdivision, each parcel shall have an approved entrance in accordance with the Chapter 4 – Entrance and Driveway of Title I – Administration of the Mills County Code of Ordinances.
 - .10 An agreed upon property line adjustment shall contain signatures of the grantor and grantee, if applicable.
- 5.030 CONTENTS OF THE SKETCH PLAT: The sketch plat may be drawn as a freehand sketch at a legible scale. The sketch plat shall show the following:
- .01 North arrow and the scale of the document.
 - .02 General location of the property by section, township and range.
 - .03 The approximate location of property lines, existing right-of-ways and known easements.
 - .04 The approximate location, dimension and area of all existing and proposed parcels.

- 5.040 SKETCH PLAT APPROVAL FOR A SUBDIVISION The County Auditor and County Engineer shall review the application and determine the appropriate subdivision classification. Within one (1) year from the day the County Auditor approves the sketch plat, the developer shall file a preliminary plat application with the County Auditor. If the developer fails to file the preliminary plat application within the one (1) year time period, the sketch plat shall be deemed void.
- 5.050 SKETCH PLAT APPROVAL OF A PROPERTY LINE ADJUSTMENT: Following such review of the sketch plat for a property line adjustment, the County Auditor shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The County Auditor shall notify the developer, in writing, of the decision.
- .01 Approval of the sketch plat shall signify the general acceptability of the proposed property line adjustment with respect to compliance with the requirements of this Ordinance and shall be deemed to be authorization to proceed with preparation of necessary instruments for conveyance of a portion of one (1) lot or parcel to the owner of an adjoining lot or parcel. A plat of survey shall be prepared for the division. Within one (1) year, one (1) copy of the plat of survey shall be prepared by a licensed land surveyor and a copy filed with the County Auditor before final approval may be given on the sketch plat or property line adjustment application. A copy of said decision shall be recorded simultaneously with any and all instruments filed with the County Recorder which transfer the ownership of said property being divided.
 - .02 After final approval of the sketch plat application, any revision of the sketch plat shall require the submission of a new sketch plat application and fee.
 - .03 Within one (1) year from the day the County Auditor approves the sketch plat, the developer shall complete the plat of survey and file it with the County Recorder. If the plat of survey is not filed within the one (1) year time period, the sketch plat shall be deemed void.
 - .04 Disapproval of the sketch plat shall signify the general unacceptability of the proposed property line adjustment with respect to compliance with the requirements of this Ordinance. The developer may file a request for a variance. Such a request should describe how full compliance with Ordinance requirements constitutes an undue hardship. The developer shall file the variance application with the County Auditor and pay the required fee. The variance application shall be presented to the Board of Supervisors with twenty (20) days of receipt. After consideration of the request and any relevant information, the Board of Supervisors will either approve or deny the variance as set forth in Section 1.080 above.
- 5.060 SKETCH PLAT APPROVAL OF A PROPERTY SPLIT: Following such review of the sketch plat for a property split, the County Auditor shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The County Auditor shall notify the developer, in writing, of the decision.
- .01 After final approval of the sketch plat application, any revision of the sketch plat shall require the submission of a new sketch plat application and fee.
 - .02 Approval of the sketch plat shall signify the general acceptability of the proposed property split with respect to compliance with the requirements of this Ordinance. A plat of survey shall be prepared for as follows:
 - A. In the event a forty-acre aliquot part is proposed to be divided into two (2) parcels, it shall be required that only the parcel being conveyed have a plat of survey

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prepared of it; however, as allowed by Iowa Code Section 354.4, at the discretion of the County Auditor, an order may be given to require both parcels to have a plat of survey prepared of them.

- B. In the event a forty-acre aliquot part is proposed to be divided into three (3) parcels simultaneously or accumulatively, it shall be required that all three (3) parcels in that forty-acre aliquot part have a plat of survey prepared of them.
 - C. In the event a tract or parcel was divided into two (2) parcels prior to Feb. 1, 1999, the original date of this Ordinance, and it is proposed that one (1) of the two (2) parcels be divided to become two (2) parcels, resulting in no more than three (3) parcels within the boundaries of the forty-acre aliquot part, only the two (2) new parcels shall be required to have a plat of survey prepared of them.
- .03 Within one (1) year from the day the County Auditor approves the sketch plat for a property split, the developer shall complete the plat of survey and file it with the County Recorder. If the developer fails to file the plat of survey within the one (1) year time period, the sketch plat shall be deemed void.
- .04 Disapproval of the sketch plat shall signify the general unacceptability of the proposed property split with respect to compliance with the requirements of this Ordinance. The Developer may file a request for a variance. Such a request should describe how full compliance with Ordinance requirements constitutes an undue hardship. The developer shall file the variance application with the County Auditor and pay the required fee. The variance application shall be presented to the Board of Supervisors within twenty (20) days of receipt. After consideration of the request and any relevant information, the Board of Supervisors will either approve or deny the variance as set forth in Section 1.080 above.

CHAPTER 10
PRELIMINARY PLAT APPLICATION

10.010 APPLICATION FOR PRELIMINARY PLAT APPROVAL: The developer shall file the preliminary plat application with the County Auditor for submission to the County Board. The application and required fee shall be accompanied by the following information and documentation:

- .01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
- .02 The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the proposed subdivision.
- .03 The proposed name of the subdivision.
- .04 The street address or general location and legal description of the subject property.
- .05 The existing and proposed uses of the subject property.
- .06 A statement of proposed method of water supply, of sanitary sewage treatment and of disposal of storm waters from the subject property.
 - A. In the event private water wells are to be the proposed method of water supply, as provided in Section 25.120 below, the developer shall submit test well results as evidence of the availability of water on the site.
 - B. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Section 25.130

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below, the developer shall submit percolation (perc.) test results as evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.

- .07 A statement of the manner in which it is proposed to finance improvements.
 - .08 A statement of the general nature and type of improvements proposed for the subdivision, and in what manner the developer intends to provide for their installation, e.g., actual construction, monetary guarantee, etc. The statement shall indicate the approximate completion time of such improvements.
 - .09 Ten (10) blackline/blueline print copies of the preliminary plat as described in Section 10.020 below.
 - .10 Two (2) blackline/blueline print copies of the plans showing the typical cross sections and center line profiles, with approximate grades, of all proposed public roads.
 - .11 One (1) blackline/blueline print copy of the Erosion and Sedimentation Control Plan, approved by the Soil and Water Conservation District. The plan shall show the design for reducing erosion and controlling sediment on the subdivision site during and after construction. The plan shall be prepared in accordance with this Ordinance and the standards and specifications of the Soil and Water Conservation District. Said plan shall have attached thereto a statement by the developer that the construction and/or development will be done in accordance with the plan.
 - .12 Department of Natural Resources' National Pollutant Discharge Elimination System (NPDES) permit required.
 - .13 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
- 10.020 CONTENTS OF THE PRELIMINARY PLAT: The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet; however, those areas of more than one hundred (100) acres may be at a scale of one (1) inch equals two hundred (200) feet. The preliminary plat shall show the following:
- .01 The name of the proposed subdivision and an identification clearly stating that the document is a preliminary plat.
 - .02 The date of the document, north point and the scale of the document.
 - .03 The names and addresses of the owner of the land, the developer, if other than the owner, and the licensed land surveyor who prepared the preliminary plat.
 - .04 A description of the subject property, giving the location and dimensions of all boundary lines to be expressed in feet and decimals of a foot, with reference to section or quarter section lines.
 - .05 The following existing conditions shall be shown on the preliminary plat:
 - A. The location, right-of-way width, surfacing width and names of all existing public or private roads and easements of access, railroad right-of-ways, and utility easements within the subdivision and within two hundred (200) feet thereof.
 - B. The location of any existing permanent buildings within the proposed subdivision and existing buildings in projected alignment of any proposed public roads outside of the proposed subdivision and within two hundred (200) feet thereof.

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- C. The location of pertinent features such as water bodies, wetlands, wooded areas, isolated preservable trees, rock outcroppings, parks, cemeteries, bridges and other permanent structures.
 - D. The location of all existing sanitary and storm sewers, culverts, water mains, gas lines and other underground installations within or immediately adjacent to the proposed subdivision.
 - E. The location of water courses, drainage ditches, floodways, any easements and areas subject to flooding. Proposed subdivisions located within areas subject to flooding shall include a contour line depicting the boundary of one hundred (100) year flood as shown in the Mills County, Iowa, Flood Plain Study prepared by the Federal Emergency Management Agency.
 - F. Contour lines or spot elevations related to some established bench marks or mean sea level or other datum having the following intervals:
 - Major Subdivision
 - 1. Ten (10) foot contour intervals for ground slopes of ten (10) percent or more.
 - 2. Five (5) foot contour intervals for ground slopes of less than ten (10) percent.
 - 3. Spot elevations where the ground is too flat for contours.
 - Minor Subdivision
 - 1. Ten (10) foot contour intervals.
 - 2. Spot elevations where the ground is too flat for contours.
 - G. The location, elevation and description of the bench mark controlling the survey.
- .06 The following information with respect to the manner in which the subject property is to be developed shall be included on the preliminary plat:
- A. The location, dimensions, identification number and lot area of all proposed lots.
 - B. The location, right-of-way width, surfacing width and names of all proposed public roads.
 - C. The approximate location, width and purpose of all proposed easements.
 - D. The approximate location and type of all proposed utilities.
 - E. The location, dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
 - F. The location and width of all proposed building setback lines.
 - G. Indication of the use of all proposed lots, if other than single-family dwellings.
- .07 A vicinity map showing the general location of the subdivision within the boundaries of the County.
- .08 A certificate to be signed by the County Engineer stating an opinion of compliance with the Mills County Subdivision Regulations.

- .09 A certificate for approval of the County Board to be signed by the Chairperson and attested by the County Auditor.
- .10 If applicable, a certificate for approval complies with this ordinance of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the city.
- 10.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the County Auditor and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.
- 10.040 DISTRIBUTION OF PRELIMINARY PLAT: The County Auditor shall transmit copies of the preliminary plat to the County Engineer, the appropriate school district superintendent, the Soil Conservation District, the appropriate fire department, the County Sheriff and such other official body or agency as may be directed by the County Board. The County Engineer shall retain the two (2) copies of the typical cross sections of the roads for review.
- 10.050 REVIEW OF PRELIMINARY PLAT: Comments and recommendation shall be filed with the County Auditor as soon as practical, but normally within fifteen (15) working days. Copies of the County Auditor's comments and recommendations, as well as those of the responding individuals and agencies shall be submitted to the County Board.
- 10.060 REVIEW OF PRELIMINARY PLAT BY SOIL AND WATER CONSERVATION DISTRICT: The preliminary plat shall not be approved unless it includes a complete plan for soil erosion and sedimentation control, developed in accordance with the technical standards and specifications of the Soil Conservation District and approved by the Soil and Water Conservation District. The developer shall attach a statement to the erosion and sedimentation control plan certifying that construction and/or development will be done in accordance with the plan.
- Within fifteen (15) working days of receipt of the plan, the Soil Conservation District shall notify, in writing, the developer and the County Auditor that the erosion and sedimentation control plan has been approved, approved subject to modifications, or disapproved. If disapproved, the Soil and Water Conservation District shall submit to the County Auditor, with a copy to the developer, a statement setting forth reasons for disapproval, and indicating in what way this plan fails to conform to the technical standards and specifications of the Soil and Water Conservation District. In addition, the Soil and Water Conservation District may submit written comment on the other materials submitted for its review.
- The date of approval of the erosion and sedimentation control plan by the Soil and Water Conservation District shall be its effective date. Any improvements pursuant to the development of the land from that date forward shall be undertaken in conformance with the plan.
- The developer and subsequent landowners shall be liable for the successful implementation and completion of this plan. Any changes in the plan will require approval of the Soil and Water Conservation District.
- 10.070 DEPARTMENT OF NATURAL RESOURCES NPDES GENERAL PERMIT #2: The developer shall be responsible for obtaining approval from the Department of Natural Resources in the form of a NPDES General Permit #2 for storm water discharge. The developer and subsequent landowners shall be liable for the successful implementation and completion of the requirements of this permit. Any changes in the plan will require approval of the Department of Natural Resources.
- 10.080 PUBLIC HEARING BY COUNTY BOARD: Before taking final action on each preliminary plat application, the County Board shall hold a public hearing thereon.

Notice of a public hearing on a proposed subdivision shall include the time and place of said public hearing and the place where the contents of the request may be examined, and shall be given in the following manner:

- .01 A notice of the public hearing shall be given by one (1) publication in the designated newspapers in the County, not less than four (4) nor more than twenty (20) days prior to the date of the public hearing.
 - .02 The County Board may recess a hearing in order to serve notice upon other property owners or persons that the County Board determines may be interested in the application or to obtain additional information. Upon recessing for this purpose, the County Board shall announce the time and date when the County Board will resume the hearing.
- 10.090 COUNTY BOARD ACTION: The County Board shall either disapprove the preliminary plat or shall, by resolution, approve the preliminary plat with or without specified conditions to be accepted by the developer as a condition of such approval. Adoption of such a resolution shall require an affirmative vote of at least a majority of those voting.
- 10.100 RECORD OF APPROVAL: Any resolution adopted by the County Board approving a preliminary plat shall be given an official resolution number and shall be entered into the minutes of proceedings of the County Board.
- .01 Following County Board action, the County Auditor shall notify, in writing, the developer of the County Board's decision.
 - .02 If the preliminary plat is approved by the County Board, the County Auditor shall return a signed blackline/blueline print copy of such plat to the developer.
- 10.110 EFFECT OF APPROVAL OF PRELIMINARY PLAT: Approval of the preliminary plat shall not constitute final acceptance of the subdivision by the County Board, but shall signify merely the general acceptability of the proposed subdivision. Such approval shall be deemed to be authorization to proceed with the preparation of the final construction plans and the final plat.
- 10.120 EFFECTIVE PERIOD OF PRELIMINARY PLAT APPROVAL: Within one (1) year from the day the County Board approves a preliminary plat, the developer shall apply for final plat approval, or the first part thereof if phased. If the subdivision is phased, the developer shall apply for final plat approval of the second phase within two (2) years, the third phase within three (3) years, the fourth phase and the balance thereof within five (5) years from the date the preliminary plat was approved by the County Board. If the developer fails to apply for final plat approval within the appropriate time period, the preliminary plat, or remaining phase(s) thereof, shall be void unless the developer requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.
- 10.130 EXTENSION OF TIME LIMITATIONS: The County Board may grant an extension of time of not more than two (2) years from the date required for submission of a final plat or any part thereof if phased. If a developer applies for an extension of time of submission of any part of a phased subdivision, which is subsequently granted by the County Board, equal extensions are automatically granted for each of the remaining phases. A developer may apply only once for an extension of time, whether or not the preliminary plat is phased. If the County Board refuses to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof if phased, to the County Board within the appropriate time originally required or sixty (60) days from the day the extension request is denied by the County Board, whichever is longer.

CHAPTER 15
FINAL CONSTRUCTION PLAN AND INSPECTION OF IMPROVEMENTS

- 15.010 REQUIRED IMPROVEMENTS: Upon County Board approval of a preliminary plat and prior to application for final plat approval, the developer shall:
- .01 Construct and install the required improvements, or;
 - .02 Post a performance guarantee for the total cost of the improvements, or;
 - .03 Construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed.
- 15.020 SUBMISSION OF THE FINAL CONSTRUCTION PLANS: The developer shall have a licensed professional engineer prepare the final construction plans for the proposed required improvements containing the data and information specified in Section 15.030 below. Four (4) blackline/blueline print copies of such plans shall be certified by a licensed professional engineer and submitted to the County Engineer along with the required final construction plan fee.
- .01 In the event the developer chooses to construct and install the required improvements, as specified in Section 15.010.01 above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the construction will commence.
 - .02 In the event the developer chooses to post a performance guarantee for the total cost⁸ of the required improvements, as specified in Section 15.010.02 above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the final plat is submitted for approval. Said final construction plans, upon submittal to the County Engineer, shall be accompanied by a detailed engineering estimate of cost for all improvements, estimated and certified by the developer's licensed professional engineer. These estimates will be utilized by the County Engineer for review and determination of the amount of the performance guarantee. The amount of the performance guarantee shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer.
 - .03 In the event the developer chooses to construct and install a portion of the required improvements and post a performance guarantee for the remainder of the improvements not completed, as specified in Section 15.010.03 above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the developer shall notify the County Engineer of his intent to post a performance guarantee for remaining improvements and shall submit the cost estimates for the remaining portion, as specified in Section 15.020.02 above.
 - .04 In the event one (1) year has lapsed since the issuance of the performance guarantee and construction of the required improvements has not been completed, it shall be the responsibility of the developer to resubmit the detailed engineering estimates of cost and a new performance guarantee as required in Section 15.020.02 above.
 - .05 The developer shall provide a list of the names of the individual qualified observers that will be utilized in the construction of the improvements and that will be on the job site full-time during the major phases of work. An Iowa Department of Transportation certification shall be required for each named individual.
- 15.030 CONTENTS OF FINAL CONSTRUCTION PLANS: The final construction plans for required lot or public improvements shall contain the following data and information.

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- .01 Plans, details, specifications, calculations and cost estimates for road and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometries for each road with a typical cross section.

The profiles of grade lines shall be shown to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the County Engineer.
 - .02 Plans, profiles, details, specifications, calculations and cost estimates of proposed storm drainage improvements.
 - .03 Plans, profiles, details, specifications and cost estimates of proposed water distribution systems, water supply facilities and water hydrants, if any.
 - .04 Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.
 - .05 Grading plans for all lots and other sites within the subdivision, including details and specifications for soil erosion and sedimentation control.
 - .06 The County Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review.
 - .07 All plans shall be based on United States Geodetic Survey (U.S.G.S.) datum elevations with two (2) monumented benchmarks. The U.S.G.S. datum elevations may be determined from quadrangle maps.
 - .08 All plans for underground utilities shall be prepared by or at the direction of the utility company involved with the improvements.
 - .09 All utility permits shall be submitted to the County Engineer.
- 15.040 REVIEW OF FINAL CONSTRUCTION PLANS: The County Engineer shall review the final construction plans in order to determine whether such plans are consistent with the approved preliminary plat and comply with the design standards and specifications described in Chapter 25 of this Ordinance.

If such plans are consistent and do comply, the County Engineer shall submit a notice to the County Board that the plans so conform and comply, and shall return one (1) signed copy of the approved final construction plans to the developer. In the event that such plans do not conform and comply, the County Engineer shall notify the developer of the specific manner in which the plans do not conform or comply, and the developer may then correct such plans. If such plans are not corrected, the County Engineer shall transmit a notice to the County Board as to the items of nonconformity or noncompliance.
- 15.050 CONSTRUCTION OF IMPROVEMENTS: No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the final construction plans shall have been approved by the County Engineer.
- 15.060 INSPECTION: It is the responsibility of the developer to oversee the construction operations of the required improvements to assure that the work performed is in accordance with the final construction plans. Therefore the developer shall provide:
- .01 Full time construction inspection by a qualified observer during all major phases of the construction, including but not limited to grading, paving, concrete work, seeding,

structures, pipe culverts and bridges. Daily progress and inspection reports must be maintained and submitted weekly to the County Engineer.

.02 Results of quality control testing, in accordance with the Iowa Department of Transportation or other approved standards, shall be submitted to the County Engineer.

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

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

.01 A certification by the developer's licensed professional engineer that the work was completed in accordance with plans and specifications and meets all applicable County standards.

.02 Two (2) sets of "as built" blackline/blueline print copies will be required to be submitted to the County Engineer prior to acceptance of the project.

15.090 REPORT TO COUNTY BOARD: If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations the County Engineer shall certify to the County Board, within fifteen (15) working days from the completion of inspection, that all improvements have been installed in conformity with the final construction plans. The receipt of such notification by the County Board shall constitute the date on which the one (1) year period, specified in Section 15.100 below, shall commence.

15.100 MAINTENANCE BOND: The developer shall warrant the design, materials and workmanship of all required improvements, installations and construction for a period of one (1) year from and after completion. Such warranty shall be by a bond or other acceptable collateral, which shall assure the expedient repair or replacement of defective improvements under warranty and shall indemnify the County from all costs or losses resulting from or attributed to such defective improvements on the major phases of construction which includes but is not limited to grading, paving, concrete work, seeding, structures, pipe culverts and bridges.

CHAPTER 20
FINAL PLAT APPLICATION

20.010 APPLICATION FOR FINAL PLAT APPROVAL: Following the approval of the preliminary plat in the case of a minor subdivision, or of the preliminary plat and final construction plans in the case of a major subdivision, the developer, if he/she wishes to proceed with the subdivision, shall file, upon the form provided, an application for final plat approval with the County Auditor for submission to the County Board. The application shall contain and be accompanied by the required fee as well as the following information and documentation:

.01 The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.

.02 The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the subdivision.

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- .03 The approved name of the subdivision.
 - .04 The performance guarantee, if required, as described in Chapter 15 of this Ordinance. If the required improvements have been completed in lieu of a performance guarantee, then a certificate signed by the County Engineer approving the installation of any required improvements.
 - .05 Copies of the final plat of the following types and sizes, all of which shall bear the original signatures on the required certificates, as described in Section 20.020, below.
 - A. Three (3) dimensionally stable plastic film copies and six (6) blackline/blueline print copies of the final plat, at a size of not less than 18" x 24". One (1) additional film copy and two (2) print copies shall be submitted when the subdivision is located within two (2) miles of a city that exercises its extraterritorial subdivision plat review authority pursuant to Section 1.040 above.
 - B. One (1) reduced print copy which is either 8 1/2" x 11" or 8 1/2"x 14".
 - .06 A statement from the mortgage holders or lien holders, if any, as required by Iowa Code Section 354.11, as amended.
 - .07 An opinion by an attorney-at-law, as required by Iowa Code Section 354.11, as amended.
 - .08 A certificate to be signed by the County Treasurer, as required by Iowa Code Section 354.11, as amended.
 - .09 Such other and further information as the County Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
 - .10 A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.
- 20.020 **CONTENTS OF THE FINAL PLAT:** The final plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat shall show the following:
- .01 The approved name of the subdivision.
 - .02 The date of the document, north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.
 - .03 The names and addresses of the owner of the land, the developer, if other than the owner, and the engineering firm or surveying firm that prepared the final plat.
 - .04 The location by section, township, range, county and state as well as including descriptive boundaries of the subdivision.
 - .05 The exact location and layout of lots and public roads with accurate dimensions in feet and decimals of feet, interior angles, length, and radii, arcs and intermediate tangents of all curves, and all other information necessary to reproduce the plat on the ground.
 - .06 The location of all existing public or private roads and new public roads within the subdivision.
 - .07 The names and width of all existing public or private roads and new public roads within the subdivision.

- .08 The lot number and area of each lot within the subdivision. The data on the area of each lot may be shown in a table format on the plat page on which said lot is drawn.
 - .09 The location of all easements shall be denoted, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certification of dedication.
 - .10 A statement by the proprietors and their spouse, if any, as required by Iowa Code Section 354.11, as amended, shall accompany the final plat.
 - .11 A certificate signed by a licensed land surveyor, as required by Iowa Code Chapter 355, as amended.
 - .12 A certificate to be signed by the County Engineer approving the final plat with respect to public improvements, if any. If no public improvements are included, this certification may be omitted.
 - .13 A certificate for approval of the County Board to be signed by the Chairperson and attested by the County Auditor.
 - .14 If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City.
- 20.030 APPLICATION ACCEPTANCE: The application shall be considered as officially filed after it has been examined by the County Auditor and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.
- 20.040 REVIEW OF FINAL PLAT: Copies of the County Engineer's comments and recommendations shall be submitted to the County Board.
- 20.050 PUBLIC HEARING BY COUNTY BOARD: The County Board shall consider the proposed final plat at public hearing. Notice of the public hearing shall be given as specified in Iowa Code Chapter 21, as amended.
- 20.060 COUNTY BOARD ACTION: The County Board shall, within fifteen (15) working days from the date of application for acceptance of final plat approval, either disapprove the final plat or shall, by resolution, approve the final plat and accept the dedication of all public roads, easements, parks and other public grounds for public use.
- Adoption of a resolution shall require an affirmative vote of at least a majority of those voting.
- 20.070 RECORD OF APPROVAL: Any resolution adopted by the County Board approving a final plat shall be given an official resolution number and shall be read in the minutes of proceedings of the County Board.
- .01 The County Auditor shall notify, in writing, the developer of the County Board's decision.
 - .02 If the final plat is approved by the County Board, the copies of the final plat with attached documents, as set forth in the Mills County, Iowa Final Plat Application, shall be provided to the County Recorder to be recorded in accordance with the provisions of Iowa Code Chapter 354, as amended. The County Recorder shall distribute the copies

of the final plat with attached documents to the County Assessor, County Auditor and all other necessary parson(s).

- 20.080 RECORDING FINAL PLAT: Approval of the final plat by the County Board shall be null and void if the final plat is not recorded with the County Recorder within ninety (90) days after the date of approval, unless an extension is requested by the developer within that time and granted by the County Board.
- 20.090 FAILURE TO CONSTRUCT REQUIRED IMPROVEMENTS: In the event a developer has posted a performance guarantee in lieu of actual construction of required improvements, the County Board may review the development of the subdivision thirty (30) days prior to the expiration of the performance guarantee and may direct the County Engineer to proceed with the execution of the performance guarantee in order to assure that the required improvements are completed.

Chapter 25
DESIGN STANDARDS

- 25.010 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS: No subdivision shall be approved and accepted by the County unless it conforms to the minimum requirements contained herein. In addition to these requirements, all subdivisions shall comply with the following:
- .01 All other applicable laws, rules and regulations of the appropriate local jurisdictions.
 - .02 The Comprehensive Land Use Plan and all other applicable plans adopted by the County. The Zoning Ordinance of Mills County, Chapter 3 - Uniform Rural Address System of Title I - Administration of the Mills County Code of Ordinances, Chapter 700 - Flood Plain Regulations of Title VII - Land Use of the Mills County Code of Ordinances and any other applicable County ordinances.
 - .03 All applicable standards established and regulations adopted by the County Engineer and all officers, departments and boards of the County.
 - .04 All applicable laws, rules and regulations of the State and its duly constituted agencies.
 - .05 Approval may be withheld if a subdivision is not in conformity with the above laws, rules and regulations, ordinances and the purposes of this Ordinance, as established in Section 1.020 above.
- 25.020 LAND SUITABILITY: No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare of the future residents of the subdivision or the residents of the County, until such time as conditions causing the unsuitability are corrected. The following general standards shall apply:
- .01 The County Board may, when it deems it necessary for the health, safety or welfare of the present or future residents of the area, if necessary to the conservation of water, drainage and sanitary facilities, prohibit the development of any property which lies within the one hundred (100) year floodplain of any river or stream.
 - .02 Residential subdivisions shall provide all lots with a means of vehicular access that is one (1) foot above the base flood elevation.
 - .03 Whenever a subdivision is submitted for an area which is subject to ponding or poor drainage, the County Board may approve such subdivision provided the developer fills the affected area of the subdivision to an elevation sufficient to place the elevation of

the roads and lots at a minimum of one (1) foot above the elevation of the maximum probable flooding, as determined by the developer's engineer, and approved by the County Engineer. Such subdivision shall provide for an overflow area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow area nor any structure be erected or placed therein. The boundaries of the overflow area shall be subject to the approval of the County Engineer. Development should be discouraged in areas of extreme ponding or poor drainage.

- .04 Whenever a subdivision is submitted for an area which is intended to be served by individual septic systems, the County Board may disapprove such subdivision if any of the following conditions exist:
 - A. Lands altered or filled with non-earth materials.
 - B. Soils having a percolation rate of slower than one (1) inch per sixty (60) minutes.
 - C. Lands drained by farm drainage tile or farm ditch systems.
 - D. Lands having rock, impervious clay or groundwater closer than thirty-six (36) inches to the final grade of the ground.
- .05 Whenever a subdivision is submitted for an area where soil types indicate problems of erosion and sedimentation control, sanitary waste disposal and similar problems, the County Board may approve the subdivision provided the developer submits plans to correct and alleviate such unsatisfactory conditions.
- .06 The County Board, in applying the provisions of this Section, shall in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the developer the opportunity to present evidence regarding suitability. Thereafter, the County Board may affirm, modify or withdraw its determination of unsuitability.

25.030 PRESERVATION OF ARCHEOLOGICAL SITES: Archeological sites shall be preserved as required by the Iowa Code.

25.040 PARKS AND OPEN SPACES: In all residential subdivisions wherein the majority of the lots have a lot area of ten thousand (10,000) square feet or less there shall be usable common open space dedicated or reserved for common open space land. Said open space land shall be developed as follows:

- .01 A minimum area of ten thousand (10,000) square feet, plus an additional two thousand (2,000) square feet for each lot over fifteen (15), dedicated or reserved as usable, common open space.
- .02 The land areas reserved for common open space need not be contiguous to each other, but no parcel dedicated or reserved for common open space shall be less than ten thousand (10,000) square feet in size.
- .03 The length of the common open space shall not be more than five (5) times the width of the common open space;
- .04 The common open space shall be easily accessible to all property owners within the subdivision;
- .05 Common open space land shall be clearly designated on the subdivision plat as to character of use and development and that it is intended for the private use of the residents of the subdivision.

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- .06 The following may be included in or considered part of common open space:
- A. Environmentally sensitive land such as stream beds, marshes, and steep slopes; provided however, a minimum of fifty (50) percent of the land must be level ground that is contiguous and suitable for active recreation;
 - B. Bikeways, provided that right-of-way width is at least twelve (12) feet in width and there is a paved surface at least eight (8) feet wide, four (4) inches thick Portland Cement Concrete (PCC) or Hot Mix Asphalt (HMA), on a well drained subsoil base. A pervious or semi-pervious surface will also be allowed for bikeways, subject to the approval of the County Engineer. Such surface will require a well-graded subsurface to allow for sufficient drainage, along with a geo-textile fabric under the traveled surface. Other approved products include pervious PCC and HMA. The provisions of 25.040.03 above, shall not apply to bikeways.
- .07 The following shall not be included in or considered part of the common open space:
- A. Areas reserved for the exclusive use or benefit of an individual tenant or property owner,
 - B. Dedicated roads, common wells, sewer treatment facilities, open drainage ditches, drainage storage areas, other public right-of-ways, and other areas deemed unsuitable open spaces;
 - C. Vehicular drives, parking, loading and storage area.
- .08 Suitable provisions for maintenance and upkeep of open space shall be provided through a home owners association, deed covenants, or through other similar provisions as may be approved by the County Board.

25.050 LOT DRAINAGE: Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

25.060 LOTS: The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in building on all lots and in providing driveway access to buildings on such lots from an approved road.

- .01 The lot size, width, depth, shape and orientation, and the minimum front yard setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall comply with the minimum standards of this Ordinance.
- .02 Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both roads.
- .03 Where lots are more than double the minimum required by this Ordinance, the County Board may require that such lots be arranged so as to allow further subdivision as well as the opening of future roads where necessary to serve such potential lots in compliance with the provisions of this Ordinance.
- .04 Depth and width of lots reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated.
- .05 Every lot shall abut and have access to a public road.

- .06 In general, side lot lines shall be at right angles to road lines, or radial to curving road lines, unless a variation from this requirement will give a better road or lot layout.
- .07 Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from arterial roads or to overcome specific disadvantages of topography and orientation.
- .08 Front lot lines shall not be less than 66 feet.

25.070 WATER SUPPLY AND SEWAGE DISPOSAL: Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the requirements and standards of the appropriate State, County or local agency.

For the purpose of providing adequate sewage disposal in areas serviced by onsite wastewater treatment and disposal systems, soil characteristics shall be highly instrumental in determining lot area. The minimum lot area for various land uses shall be determined by the following factors:

- .01 The ability to situate a private water well on the lot in accordance with Iowa Administrative Code Chapter 567-49, as amended.
- .02 The ability to situate two (2) onsite wastewater treatment and disposal systems on the lot in accordance with Iowa Administrative Code Chapter 567-69, as amended. The area dedicated for the second system is provided as a back up when the first system fails.
- .03 The ability to provide adequate off-street parking and off-street loading.

In the event the above-referenced features can be accommodated in the minimum lot area outlined above, said lot area shall be accepted as stated; however, in the event the above-referenced features cannot be accommodated in the specified minimum lot area outlined above, said lot area shall be increased to a size that can accommodate the above-referenced features.

25.080 ROAD LAYOUT AND DESIGN: The arrangement, character, extent, width, grade and location of all roads shall be designed with consideration of and in relationship to existing and planned roads, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such roads. The layout and design of roads in all subdivisions shall conform to the following:

- .01 Private roads shall not be permitted.
- .02 The road and alley layout shall provide access to all lots and parcels of land within the subdivision.
- .03 Road jogs of less than one-hundred fifty (150) feet shall be avoided.
- .04 Cul-de-sacs that exceed one-thousand (1000) feet in length shall, in addition to complying with the road standards required by this Chapter, be constructed as follows:
 - A. Paved surface shall be twenty-four (24) feet in width,
 - B. Two (2) foot rocked shoulders, with a two (2) percentage grade slope; and
 - C. Ten (10) foot grassed shoulders, with a four (4) percent slope.

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- .05 Proposed roads shall be adjusted to the contour of the land so as to produce useable lots and roads of reasonable gradients.
- .06 New subdivisions shall make provisions for continuation and extension of thoroughfares and collector roads.
- .07 No dead-end roads or alleys will be permitted except at subdivision boundaries.
- .08 Thoroughfare and collector roads in a subdivision shall extend through to the boundaries thereof.
- .09 Alleys shall not be permitted in residential areas, but shall be required in commercial and industrial areas.
- .10 Intersections of road center lines shall be between eighty (80) degrees and one-hundred (100) degrees.
- .11 Intersection of more than two (2) roads at a point shall not be permitted.
- .12 Where parkways or special types of roads are proposed, the County Engineer may approve special standards for the design of such parkways or streets.
- .13 Proposed roads that are extensions of or in alignment with existing roads shall bear the name of the existing road.
- .14 Minimum right-of-way shall be provided as follows:
 - A. Thoroughfares 100 feet
 - B. Collector Road 70 feet
 - C. Local Roads 66 feet
 - D. Cul-de-sacs 110 feet in diameter
 - E. Alleys 20 feet
- .15 Minimum width of surfacing to be provided shall be as follows:
 - A. Thoroughfares 24 feet paved with 2-10 foot rock shoulders
 - B. Collector Roads 24 feet paved with 2-10 foot rock shoulders
 - C. Local Roads
 - 1. With no on-street parking 24 feet paved with 2-2 foot rock shoulders
 - 2. With on-street parking on one (1) side 34 feet paved
 - 3. With on-street parking on both sides 44 feet paved
 - D. Cul-de-sacs 85 feet in diameter
 - E. Alleys 20 feet
 - F. Sidewalks 4 feet
- .16 No road grade shall be less than one-half (1/2) of one (1) percent and shall not exceed the following limits:
 - A. Thoroughfares 6 percent
 - B. Collector Roads 8 percent
 - C. Local Roads 10 percent

A flat zone, fifty (50) foot in length with no more than two (2) percent road grade, shall be provided where two roads intersect.
- .17 The length of blocks shall be not less than five-hundred (500) feet and not more than one thousand two-hundred fifty (1,250) feet in length.

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- .18 Blocks shall be sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two-hundred twenty (220) feet, except where a single tier of double frontage lots parallel with a Limited Access Highway, a thoroughfare, drainage course, railroad or other barrier. The width of said single tier frontage lots shall not be less than one-hundred (100) feet.
- .19 The entire width of right-of-way shall be clear and kept clear of obstacles including but not limited to fences, sprinkler systems, security systems, gates, trees, and bushes.
- 25.090 ROAD STANDARDS: Road standards including but not limited to right-of-way widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon, in addition to the requirements of Section 20.100, above, the standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the County Engineer.
- .01 Curb and gutter type construction of roads shall be required by the County Engineer in subdivisions wherein lot density and topography has the potential of creating erosion, drainage and/or stormwater management problems. Curbs and gutters shall be Portland Cement Concrete (PCC).
- .02 All pavements shall meet or exceed the structural equivalency of seven (7) inches of Portland Cement Concrete (PCC) or eight and one-half (8 1/2) inches of Hot Mix Asphalt (HMA), based on current AASHTO "Guide for Design of Pavement Structure". HMA shall be laid with a two (2) inch surface course lift.
- .03 All pavements shall meet or exceed minimum smoothness standards based on current Iowa Department of Transportation Standard Specifications, as stipulated in Section 2316.02-Measurements; 2316.03-Evaluation; and Section 2532-Pavement Surface Repair (Diamond Grinding).
- Final profile index shall not exceed forty (40) inches per mile or the current metric equivalent adopted by the Iowa Department of Transportation.
- All costs incurred to test for assurance that the minimum smoothness standards have been met shall be the responsibility of the developer.
- .04 Bump correction or smoothness correction or both may be required by the County Engineer. If required, the correction shall be completed before the final determination of pavement thickness. All bumps exceeding a vertical height of twenty-five hundredths (0.25) inch in a twenty-five (25) foot span, as indicated on the profile trace, shall be corrected by the developer. Corrections will also be required, in lengths excluded from the profilogram, for deviations exceeding one-eighth (1/8) inch in ten (10) feet; however, on asphalt pavements the surface shall be corrected only with approval of the County Engineer. Also, when an additional full width lane for through traffic is to be constructed, bump correction of the new pavement will not be required if the bump also occurs at the location in the adjacent lane. The corrected bumps will be considered satisfactory when measurement by the profilograph shows that the bumps are twenty-five hundredths (0.25) inch or less in a twenty-five (25) foot span.
- .05 Roads that exceed one thousand (1000) feet in length shall use a slip form paver when furnishing Portland Cement Concrete (PCC).
- 25.100 ACCESS TO ARTERIALS: Where a subdivision borders on or contains an existing or proposed arterial road, the County Board may require that access to such roads be limited by one of the following means:

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- .01 The subdivision of lots so as to back onto the arterial road and front onto a parallel local road. No access shall be provided from the arterial road and screening shall be provided in a strip of land along the rear property line of such lots.
 - .02 A series of cul-de-sac or loop roads, entered from and designed generally at right angles to such parallel road, with the rear lines of their terminal lots backing onto the arterial road.
 - .03 A marginal access road, separated from the arterial road by a buffer or grass strip and having access thereto at suitable points.
 - .04 Where the County Board determines that driveway access directly from an arterial road is necessary for several adjoining lots, the County Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such road. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial roads.
- 25.110 RAILROADS AND LIMITED ACCESS HIGHWAYS: Railroad right-of-ways and limited access highways where located as to affect the subdivision of adjoining lands shall be treated as follows:
- .01 In residential subdivisions, a buffer strip of at least twenty-five (25) feet in depth, in addition to the minimum lot depth of the lot required by this Ordinance, shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the final plat- "This strip is reserved for screening. The placement of structures hereon is prohibited."
 - .02 In nonresidential subdivisions, the nearest road extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance there from to ensure suitable depth for the commercial or industrial sites.
 - .03 Roads parallel to a railroad or limited access highway when intersecting a road which crosses the railroad or limited access highway at grade shall, to the extent practical, be at a distance of at least one hundred fifty (150) feet from such right-of-way. Such distance shall be determined with consideration of the minimum distance required for further separation of grades by means of appropriate approach gradients.
- 25.120 WATER SUPPLY: The developer shall make provisions to assure that an approved, adequate supply of potable water exists for every lot of a plat, division or subdivision of land or can be provided during the development of every lot in the division as follows:
- .01 Where an adequate public water supply system is within one thousand (1000) feet of a two (2) lot division or within two thousand five hundred (2500) feet of a subdivision of three (3) or more lots, the developer shall provide a complete public water supply system, including all hydrants, valves and other appurtenances and a service connection to each lot throughout the entire subdivision.
- Such system shall extend into and through the division or subdivision to the boundary lines and shall be connected to a public water system. Such water supply system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities. All water mains shall be of such size as to support the use of fire hydrants, as described below.
- Fire hydrants shall be required for all division or subdivisions provided with a public water supply. Fire hydrants shall be placed in accordance with the International Fire Code as adopted by the State of Iowa. To eliminate future road excavations, all underground utilities for fire hydrants, together with the fire hydrants themselves and all

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other supply improvements, shall be installed before any final surfacing of a road shown on the final plat.

- .02 Where an adequate public water supply system is reasonably accessible, the developer may provide a rural water system, including all valves and other appurtenances and a service connection to each lot throughout the entire subdivision.
- .03 Where an adequate public water supply system is not reasonably accessible, the developer may provide a complete common water supply. Such water supply system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
- .04 Where an adequate public or common water supply system is not reasonably accessible or not required, private water wells shall be used for the purpose of providing a private water supply system.

Prior to construction of a residential structure, the developer shall demonstrate the availability of water on the lot or provide the necessary easements for access to an adequate water supply. Each test hole shall be numbered and its location shown on the preliminary plat as applicable. The well number shall correspond with the Iowa Department of Natural Resources Water Well Supply generated well number. All tests shall be performed in accordance with Iowa Administrative Code Chapter 567-49, as amended.

25.130 SANITARY SEWER: The developer shall make provisions to assure that an approved, sanitary means of sewage disposal exists for every lot in the subdivision or can be provided during the development of every lot in the subdivision as follows:

- .01 Where an adequate public sanitary sewer system is within one thousand (1000) feet, if practicable or accessible, the developer shall provide a complete public sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall extend into and through the subdivision to the boundary lines and shall connect to a public sanitary sewer system. Such sanitary sewer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.
- .02 Where an adequate public sanitary sewer system is not reasonably accessible, the developer may provide a complete common sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall be designed and constructed in accordance with the standards and requirements of the Department of Natural Resources.
- .03 Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.
 - A. The developer will be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision. Each test hole shall be numbered and its location and results shown on the preliminary plat as applicable. All tests shall be performed in accordance with the Iowa Administrative Code Chapter 567-69, as amended.
 - B. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

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- 25.140 STORM SEWER: Adequate storm sewer systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlets and catch basins and be connected to an approved outfall. There shall be provided storm-water sewers or a surface drainage system to serve adequately the area being subdivided considering but not limited to the use of existing drainage channels whenever possible. The design of the drainage system shall consider the storm drainage area of which the subdivision is a part and existing watercourses. All storm drainage facilities shall be constructed based upon criteria established by the County Engineer. The County shall only be responsible for maintenance of storm water sewer structures which lie within the County Road right-of-way.
- 25.150 EASEMENTS: Easements shall be provided for utility service, including storm sewer drainage structures, where necessary. Easements for sanitary sewer, storm sewer facilities and water supply and distribution lines shall be at least twenty (20) feet in width and other easements shall be at least ten (10) feet in width. All easements shall be established where practicable at the rear of each lot and along such other lot lines to provide continuity of alignment from block to block. Drainage easements may also be established along the side lot line of a lot; however, the combined width of such easements shall be equally divided between adjoining lots within any proposed subdivision.
- .01 All utility distribution lines for telephone, electric, natural gas and cable television service to be installed shall be placed underground within easements or dedicated public right-of-ways. The installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the State of Iowa, now or hereafter effective, and the owner or developer of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities. It shall be the responsibility of the appropriate utility company to obtain the necessary permits from the County Engineer prior to the installation of the said utility distribution lines.
 - .02 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated storm water drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and to allow access to the structure for construction and maintenance equipment.
 - .03 A screen planting easement may be required between residential and commercial or industrial lots. If such easement is to be used for public utilities, additional width may be required to assure that maintenance of the utilities would not be detrimental to the plantings.
 - .04 Parks situated in the interior of blocks shall have direct and public access to surrounding roads by an easement at least twenty (20) feet wide. Maintenance shall be covered by the protective covenants.
- 25.160 RESERVE STRIPS: The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.
- 25.170 SUBDIVISION NAME: The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the County, the name of an incorporated farm, nor the registered trade name of a business. Said name of the subdivision shall be approved by the County Auditor.
- 25.180 ROAD NAMES: The proposed names of all new roads shall be shown on the preliminary plat and such names shall be sufficiently different in sound and in spelling from other road names in the County so as not to cause confusion. Proposed names shall be submitted to the Mills County E911 Board for review. The County Board reserves the right to alter or change the

proposed name of any road at any time prior to the approval of the final plat. Proposed roads which are in alignment with other already existing and named roads shall bear the names of such existing roads. The name of a proposed road which is not in alignment with an existing road, shall not duplicate the name of any existing road, irrespective of the use of the suffix road, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or other similar suffix.

- 25.190 ROAD REGULATORY SIGNS: At the time of final plat approval, the developer shall pay the County the total cost, including installation, for all road regulatory signs, including road name signs, required by the County Engineer along all roads and at all intersections within or abutting the subdivision.
- 25.200 PEDESTRIAN WALKWAYS: Pedestrian walkways may be required by the County Board through the center of blocks of more than six hundred (600) feet in length where deemed essential to provide circulation or access to schools, parks, shopping centers, transportation, or other community facilities. A pedestrian walkway shall have a width of not less than ten (10) feet. A sidewalk, constructed in accordance with the requirements of Section 25.230 below, for sidewalk improvements, shall be placed along the entire length of such walkway.
- 25.210 SIDEWALKS: Whenever provided, sidewalks shall be constructed of Portland Cement Concrete (PCC) in accordance with the design standards and specifications approved by the County Engineer. Sidewalks shall be a minimum of four (4) feet in width and four (4) inches in depth and shall be located within the road right-of-way, parallel to and within two (2) foot of the lot line.
- .01 Sidewalks may be provided for all roads in nonresidential subdivisions.
- .02 Sidewalks shall be required on either side of all roads in subdivisions where the majority of the lots are ten thousand (10,000) square foot or less.
- 25.220 ENTRANCES INTO INDIVIDUAL LOTS: All individual driveway entrances shall be placed and constructed in accordance with the Chapter 4 Entrance and Driveway of Title I Administration of the Mills County Code of Ordinances. It shall be the financial responsibility of the developer to pay for the material and labor required to install individual driveway entrance tubes along County roads, when so required by the County Engineer. This expense may be borne by a subsequent lot owner at the time development of the lot takes place.
- Site numbers shall be posted at all individual driveway entrances in accordance with Chapter 3 - Uniform Rural Address System of Title I - Administration of the Mills County Code of Ordinances.
- 25.230 MONUMENTATION: The developer's licensed land surveyor shall cause to be placed permanent reference monuments in the subdivision as required in Iowa Code Chapter 355, as amended.
- 25.240 SELF-IMPROVED RESTRICTIONS: The County Board shall have the right to agree with the developer regarding the type and character of the development to be permitted within the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in any protective covenants. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to be the most appropriate character of development in the property to which is subdivided.

CHAPTER 26
PARCEL AND LOT SIZE REQUIREMENTS

- 26.010 RESIDENTIAL PARCEL AND LOT SIZE REQUIREMENTS. The minimum residential parcel and lot sizes shall be as follows:

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- .01 Minimum Lot Size
 - A. 2 acres without water and sewer
 - B. 25,000 square feet with well and public sewer
 - C. 10,000 square feet with both public water and sewer
- .02 Minimum Front Yard Setback
 - A. 75 feet without water and sewer
 - B. 35 feet with both public water and sewer
- .03 Minimum Side Yard Setback
 - A. 10 feet without water and sewer
 - B. 10 feet with both public water and sewer
- .04 Minimum Rear Yard Setback
 - A. 25 feet without water and sewer
 - B. 25 feet with both public water and sewer
- .05 Minimum Lot Width
 - A. 300 feet without water and sewer
 - B. 75 feet with both public water and sewer
- .06 Minimum Lot Depth
 - A. 300 feet without water and sewer
 - B. 133 feet with both public water and sewer

26.020 COMMERCIAL/INDUSTRIAL LOT SIZE REQUIREMENTS: The minimum lot size for a commercial or industrial lot shall be as follows:

- .01 Minimum Lot Size
 - A. 5 acres without water and sewer
 - B. 25,000 square feet with both public water and sewer
- .02 Minimum Front Yard Setback
 - A. 50 feet without water and sewer
 - B. 25 feet with both public water and sewer
- .03 Minimum Side Yard Setback
 - A. 10 feet without water and sewer
 - B. 10 feet with both public water and sewer
- .04 Minimum Rear Yard Setback
 - A. 50 feet without water and sewer
 - B. 25 feet square feet with both public water and sewer
- .05 Minimum Lot Width
 - A. 500 feet without water and sewer
 - B. 150 feet with both public water and sewer

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- .06 Minimum Lot Depth
 - A. 436 feet without water and sewer
 - B. 167 feet with both public water and sewer

CHAPTER 30
FEES

- 30.010 FILING FEES REQUIRED: A filing fee, in accordance with the established fee schedule, shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitting the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.
- 30.020 FEE SCHEDULE: The cost of each application fee can be found in the Schedule of Fees adopted by Resolution by the Board of Supervisors.
- 30.030 PAYMENT OF FEES: All fees mentioned above shall be made payable to the County Treasurer. The fee shall be attached to the respective application submitted to the County Auditor.
- 30.040 FEE REFUND: Whether the request is granted or denied by the County Auditor, County Engineer or County Board, the applicant shall not be entitled to a refund of the fee.

CHAPTER 35
ENFORCEMENT AND LEGAL STATUS PROVISIONS

- 35.010 NOTICE TO ABATE VIOLATION: Whenever the County Board or County Engineer finds that a violation of this Ordinance has occurred, the County Engineer shall cause to be served upon the property owner, as shown by the records of the County Auditor, a written notice to abate the violation within a reasonable time after notice.
- 35.20 CONTENTS OF NOTICE TO ABATE: The notice to abate shall contain:
 - .01 A description of what constitutes the violation of the Ordinance.
 - .02 A statement of the act or acts necessary to abate the violation.
 - .03 A reasonable time within which to complete the abatement.
 - .04 A statement that if the violation is not abated as directed and no request for hearing with the officer ordering the abatement is made within the time prescribed, the County will proceed with other action as outlined in this Chapter.
- 35.030 METHOD OF SERVICE OF NOTICE TO ABATE VIOLATION: The notice to abate violation may be served by certified mail to the property owner as shown by the records of the County Auditor.
- 35.040 REQUEST FOR HEARING AND APPEAL: Any person ordered to abate a violation of this Ordinance may request a hearing before the officer ordering the abatement. The officer shall conduct a hearing as to whether a violation exists. A person ordered to abate a violation shall request a hearing in writing and deliver said request to the officer ordering the abatement within the time stated in the notice. If the person fails to request a hearing, it will be conclusively presumed that a violation exists and it must be abated as ordered in the notice.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a violation exists. If the officer finds a violation exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. A person ordered to abate

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a violation may appeal the hearing officer's decision to the County Board by requesting a hearing in writing and delivering said request to the County Auditor. If the person fails to appeal the hearing officer's decision, it will be conclusively presumed that a violation exists and it must be abated as ordered in the hearing officer's written decision. A person ordered to abate a violation may appeal the decision of the County Board by filing an action in the Iowa District Court For Mills County.

35.050 VIOLATIONS AND PENALTIES: Any person who violates, disobeys, omits, neglects, refuses or fails to comply with this Ordinance shall be deemed guilty of committing a county infraction as defined in Chapter 7 – Violations And Penalties of Title I – Administration of the Mills County Code of Ordinances.

- .01 Each and every day that the violation is permitted to exist after notification shall constitute a separate offense.
- .02 Each and every violation (including each and every lot or parcel sold) or noncompliance with the separate provisions of this Ordinance shall constitute a separate offense.
- .03 The owner of the land, and any agent, engineer, land surveyor, contractor, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein.
- .04 Enforcement of a county infraction shall be pursuant to Iowa Code Section 331.307, as amended.
- .05 Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including, but not limited to, criminal prosecution, an order for abatement or injunctive relief.
- .06 Nothing herein contained shall prevent the County from taking such other lawful action as necessary to prevent or remedy any violation.

35.060 OTHER LEGAL REMEDIES: In addition to the penalties described above, the County Board or other proper local authorities of the County, as well as any owner of real estate within the jurisdiction of the County affected by the regulations, may institute any appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

Section 3. REPEALER. All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

Section 4. SEVERABILITY. 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 provision thereof not adjudicated to be invalid or unconstitutional.

Section 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

First Reading: May 8, 2007

Second Reading: Waived

Third Reading: Waived

Approved:

Ronald E. Kohn
Ronald E. Kohn
Chair - Board of Supervisors

May 8, 2007
Date

Attest:

Carol Robertson
Carol Robertson
Mills County Auditor

May 8, 2007
Date

*Ordinance 2007-2
5-8-2007
Approved the County Clerk
of Ordinance - Robertson*

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