

ORDINANCE NO. 6.2

SUBDIVISIONS

SECTION 1: GENERAL PROVISIONS

1. Short Title.

The ordinance shall be known as the “Land Subdivision Ordinance” of Franklin County, Iowa.

2. Purpose.

The purpose of this ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivision of land so that existing land uses will be protected, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan and to promote the public health, safety and general welfare of the citizens of Franklin County, Iowa.

3. Application.

Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel by simultaneous division or repeated division into three (3) or more parts for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the County, shall cause plats of such areas to be made in the form, and containing the information, as hereinafter set forth before selling or offering for sale any lots therein contained or placing the plat on record. Subdivisions located within two (2) miles of the corporate limits of any city or town also enforcing subdivision regulations, which has filed those ordinances as required by Iowa Code 354.9(1), shall be subject to both the platting regulations of the County and those of such cities or towns, and shall comply with the more restrictive regulations.

4. Recording of Plat.

In compliance with Iowa Code 354.8, no subdivision plat, resubdivision plat or street dedication within Franklin County, Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision or street dedication has been reviewed and approved by resolution of the governing body in accordance with the provisions of this ordinance. If the governing body waives its right to review the subdivision it will be by resolution according to Iowa Code 354.8.

Upon approval of the final plat by the Governing Body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such

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plat has been duly recorded, and evidence thereof filed with the Governing Body within such thirty (30) days.

5. Fees Established.

The Governing Body shall, from time to time establish by resolution, fees for the review of plats and a fee for variances requested from the Governing Body. No plat for any subdivision or resubdivision shall be considered filed with the Governing Body unless and until said plat is accompanied by the fee, as established by resolution of the Governing Body, and as required by this ordinance.

6. Penalties.

Violation – Penalty. Any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents, that violates, disobeys, omits or neglects the provisions of this title shall be given a NOTICE OF VIOLATION either by personally giving, certified mail or served by law enforcement. This NOTICE OF VIOLATION shall identify the action required to correct the violation and give 20 days to correct it. If said violation is not corrected then a COUNTY CITATION shall be filed either by personally giving, certified mail or served by law enforcement with fines of \$750 for the first offense, \$1000 for the second and subsequent offences. A NOTICE OF VIOLATION may be in the form of a STOP WORK ORDER which shall instruct the violator to cease any activity until said violation is corrected. Situations where a STOP WORK ORDER may be used include but are not limited to incidences where any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents disposes of or offers for sale any lot or lots within the area of jurisdiction of this ordinance, before the PLAT thereof has been approved by the Governing Body, and recorded as required by law or where proper documentation has not been filed. Each day the violation is permitted to exist shall constitute a separate offense. The Zoning Administrator shall keep a record of violations in his office. If any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents violates, disobeys, omits or neglects the provisions of this title three (3) or more times in a three (3) year period they shall be deemed a chronic offender. Chronic Offenders shall be issued a COUNTY CITATION when the Zoning Administrator becomes aware of a violation. A NOTICE OF VIOLATION with a 20 day notice shall not be required in the case of chronic offenders. In case of a violation of any provision of this title, the proper authorities of the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent or abate the illegal act.

7. Building Permit to be Denied.

No building permit shall be issued for construction on any lot, parcel or tract where a subdivision is required by this ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been installed.

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8. Access to Public Roads

Access to the Secondary Road system shall be limited to one (1) per two (2) houses.

SECTION 2: DEFINITIONS

For the purposes of this ordinance, certain words herein shall be defined as, and interpreted as follows. Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term “shall” is always mandatory, and the term “may” is permissive.

1. “Alley” shall mean public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
2. “Aliquot Part” means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
3. “Block” shall mean an area of land within a subdivision that is entirely bounded by streets, railroad right-of-ways, rivers, tracts of public land or the boundary of the subdivision.
4. “Comprehensive Plan” shall mean the general plan for the development of the County, which may be titled master plan, general plan, comprehensive plan or some other title, which plan has been adopted by the Governing Body. Such Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
5. “County Engineer” shall mean the professional engineer registered with the State of Iowa designated as County Engineer by the Governing Body.
6. “Cul-de-sac” shall mean a street having one end connected to another street, and the other end terminated by a vehicular turn-around.
7. “Division” shall mean a tract or parcel of land divided into two parcels of land by conveyance or for tax purposes. The Conveyance of an easement, other than a public highway easement, shall not be considered a division for the purposes of these regulations.
8. “Easement” shall mean an authorization by a property owner for another to use a designated part of his property for a specified purpose.
9. “Flood hazard area” shall mean any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Natural Resources Council or the Federal Emergency Management Agency and identified by maps, electronic or otherwise, provided by FEMA.
10. “Floodway” shall mean the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
11. “Governing Body” shall mean the Board of Supervisors of Franklin County, Iowa.

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12. "Improvements" shall mean changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainage ways and other public works and appurtenances.
13. "Lot" shall mean a portion of a subdivision or other parcel or tract intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.
14. "Lot" The term "Corner lot" shall mean a lot situated at the intersection of two streets.
15. "Lot" The term "Double frontage lot" shall mean any lot which is not a corner lot which abuts two streets.
16. "Owner" shall mean the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
17. "Parcel" means a part of a tract of land.
18. "Planning and Zoning Commission" shall mean the appointed commission designated by the Governing Body for the purposes of this ordinance.
19. "Plat" shall mean a map, drawing or chart on which a subdivider's plan for the subdivision of land is presented, which he submits for approval and intends, in final form, to record. Such Plat shall conform to all of the regulations and the standards and procedures for land surveying in accordance with Chapter 355 of the Iowa Code.
20. "Plat of Survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
21. "Plats Officer" shall mean the individual assigned the duty to administer this ordinance by the Governing Body or other appointing authority. The provisions of this Ordinance shall be administered by the Plats Officer, the Planning and Zoning Commission, the County Engineer, the County Auditor, and the Board of Supervisors of Franklin County. Plats shall be reviewed by the Zoning Commission and the County Engineer after which the Commission and the Engineer shall submit their recommendation and the plats to the Board of Supervisors who shall have the final power to approve or disapprove the application.
22. "Resubdivision" shall mean 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.
23. "Street" shall mean public property, not an alley, intended for vehicular circulation. In appropriate context the term street may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
24. "Street" the term "Major street" shall mean an arterial street or other street which has or is planned to have continuity to carry traffic from one section of the County to another.

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25. "Subdivider" shall mean the owner of property being subdivided, or such other person or entity empowered to act on the owner's behalf.
26. "Subdivision" shall mean the division of land by simultaneous division or repeated division into three (3) or more parts, for the purpose, whether immediate or future, of transfer of ownership or building development. The term when appropriate to the context may refer to the process of subdividing or to the land subdivided. However, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots where such sale or exchange does not create any additional lots, and where the land sold or exchanged constitutes less than seventy five percent (75%) of the area of the enlarged lot after such transfer, or where no parcel of less than twenty (20) acres is created, shall not be considered a subdivision.
27. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.
28. "Utilities" shall mean systems for the distribution or collection of water, gas, electricity, wastewater, telecommunications, and storm water.

SECTION 3: IMPROVEMENTS

1. Improvements Required.

The subdivider shall, at his expense, install and construct all improvements required by this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the Governing Body, and as shown on the approved preliminary plat.

2. Inspection.

All improvements shall be inspected to insure compliance with the requirements of this ordinance. The cost of such inspection shall be borne by the subdivider, and shall be the actual cost of the inspection to the County.

3. Minimum Improvements.

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

- A. Streets: The subdivider of the land being subdivided shall provide the grading of the entire street right-of-way, alley or public place, and provide appropriate paving on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the County.
- B. Sanitary Sewer System: The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. Where connection to the central sewer system or construction of a central sewage collection and treatment

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system cannot reasonably be accomplished, septic systems approved by the County Environmental Health Officer may be allowed. No subdivision to be served by septic systems shall be approved until and unless tests have been performed and the results of such tests have been provided to and reported on by the County Environmental Health Officer. Such septic systems, if approved, may be installed by the subdivider, or by a subsequent owner at the time development of a lot takes place.

- C. Storm Sewer System: The subdivider of the land being platted shall install and construct a stormwater drainage and/or storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas, so as to prevent undue runoff onto adjacent land. Stormwater detention ponds may be required and shall be constructed according to standards established by the county.
- D. Water System: The subdivider of the land being platted shall make appropriate provision for a suitable water supply for each platted lot or parcel. Such water supply shall be appropriate for the character of development proposed. No subdivision shall be approved until and unless the proposed system for providing water has been approved by the County Environmental Health Officer. Individual wells, if approved, may be installed by the subdivider or by a subsequent owner at the time development of the lot takes place.
- E. Subdivision Severe weather shelter required: All subdivisions with five or more manufactured homes shall be required to construct a “tornado safe above ground shelter”, or an underground shelter with enough capacity to house the total number of residents living in the subdivision on a daily basis. The shelter may be used for other purposes as long as it is available during severe weather and the usable area is not reduced below the capacity to house the total number of residents present on a daily basis.
- F. Other Improvements: The subdivider of the land being platted shall be responsible for, and the Governing Body may require improvements to prevent erosion; protection of native trees or other conservation measures; the installation of sidewalks and walkways necessary to secure pedestrian safety, grading and seeding and sodding of all lots, the planting of any required trees, and the installation of street signs and street lighting as required; and such off-site improvements as may be warranted by the impact of development of the proposed subdivision.
- G. Other Requirements: All improvements shall conform to any and all applicable state and federal rules and regulations governing said improvements. This includes rules and regulations of the Iowa Department of Natural Resources and the Army Corps of Engineers.

4. Easements Required.

- A. Utility Easements: Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, along side, lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. No buildings or structures except as necessary for utilities shall be permitted on such easements.

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B. Easements Along Streams and Watercourses: Whenever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the County an easement along said streams and watercourses as necessary for the proper maintenance of the watercourse, and as approved by the Governing Body.

5. Maintenance of Improvements.

Unless otherwise approved by the Governing Body, improvements required to be installed shall remain the property and the responsibility of the subdivider, or successors in interest to the lands being subdivided. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not need to assume maintenance responsibility for any such improvement, have been approved by the County Attorney and the Governing Body.

SECTION 4: STANDARDS

1. Standard Prescribed.

The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety and general welfare.

2. Land Suitability.

No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the Governing Body.

If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Governing Body shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Therefore, the Governing Body may reaffirm, modify or withdraw its determination regarding such unsuitability.

3. Lands Subject to Flooding.

No subdivision containing land located in a wetland, floodway or a flood hazard area shall be approved by the Governing Body without the approval of the appropriate State or Federal agencies. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area, suitable for development as allowed by the Zoning Ordinance for the zone in which the lot is located and which can support necessary septic systems as recommended by the County Environmental Health Officer.

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Land located within a wetland, floodway or flood hazard area may be included within a plat as follows, subject to the approval of the County:

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

4. Plat to Conform to Comprehensive Plan.

The arrangement, character, extent, width, grade and location of all streets, and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the County; and shall conform to such other plans, including but not limited to a County Road or Street Plan, a Sanitary Sewer System Plan, a Water System Plan or a Parks and Open Space Plan, provided such plan has been adopted by the County.

5. Construction Standards for Improvements.

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

6. Street Standards.

The following standards shall apply to all streets to be located within the subdivision.

All major subdivisions shall be in areas in which the property lies immediately adjacent to or has direct access from a hard surfaced public street. In the event the proposed Subdivision is situated on an existing graveled public street it shall be the developer's responsibility to have a hard surfaced public street constructed from the Subdivision entrance road(s) or from the Subdivision frontage to another hard surfaced public street at the developer's expense. Such hard surfaced public street shall meet the specifications of the county engineer and are subject to the county engineer's approval.

- A. Streets shall provide for the continuation of major streets from adjoining platted areas, and the extension of major streets into adjoining unplatted areas. Where a plat encompasses the location for a major street proposed in the Comprehensive Plan or County Road or Street Plan, the plat shall provide for such major street.

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- B. Street grades shall align to existing streets, and all grades for streets shall be as approved by the County Engineer.
 - C. New arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
 - D. Street right-of-way and pavement widths shall be as specified in the Comprehensive Plan, County Road or Street Plan, or Technical Standards for Public Improvements.
 - E. Half-streets are prohibited, except where an existing platted half-street abuts the subdivision; a platted half-street to complete the street shall be required.
 - F. Minor streets should be designed to discourage through traffic while safely connecting to major streets or roads.
 - G. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited, except where topography or other physical conditions make such jogs unavoidable.
 - H. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than sixty (60) degrees.
 - I. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices and other necessary improvements without encroachment onto the corner lots.
 - J. Dead end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.
 - K. Streets which connect with other streets, or loop streets, are preferable, but cul-de-sacs may be permitted.
 - L. In general, alleys shall be prohibited in residential areas and required in commercial areas with normal street frontage. Dead end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred (100) feet.
 - M. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the Governing Body, be made a requirement of the plat.
 - N. Streets which are, or will become extensions of existing streets shall be given the same name as existing streets. New street names shall not be the same or sound similar to existing street names. All street names and street numbering shall be in conformance with the Franklin County Rural Addressing System and shall be at the approval of the Governing Body.
7. Block and Lot Standards.

The following standards shall apply to the layout of blocks and lots in all subdivisions, and to the extent possible, in all resubdivisions:

- A. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended, and to meet the parking, loading and other requirements for such uses contained in the Zoning Ordinance.

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- B. Block and lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
- C. The size and shape of all lots shall comply with all requirements of the Zoning Ordinance for the zone in which the lot is located. That ordinance notwithstanding, no lot shall be created or allowed that is smaller than one acre.
- D. All lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least thirty-five (35) feet measured as a straight line between the two front lot corners (or with a minimum frontage and setbacks adequate to provide for the use intended, and to meet the requirements for such uses contained in the zoning ordinance).
- E. Unless unavoidable, lots shall not front, or have direct access to arterial streets or county roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points.
- F. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Governing Body, a variation to this provision will provide a better street and lot layout.
- G. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the Zoning Ordinance, oriented to either street.
- H. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

8. Parks and Open Space.

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

9. Stormwater.

To limit the impact of stormwater runoff, and accompanying sediment, heat, pollutants, and energy, certain development or clearing activities shall be required to complete and implement a Stormwater Pollution Prevention Plan (SWPPP).

- A. Activities requiring a SWPPP. All applicants for major subdivisions and applicants for all other Franklin County permits or approvals that will result in land disturbance activity that meets National Pollutant Discharge Elimination System (NPDES) Phase II or later requirements shall submit to the County Engineer a SWPPP and shall implement the plan.
- B. Reviewing agency. No building permit, subdivision approval, or any permit allowing land disturbing activities shall be issued until the Franklin County Engineer reviews the SWPPP, when required. The Engineer shall review the SWPPP and shall submit comments to the County Planning and Program Development Department within thirty (30) days of a SWPPP submittal that meets these requirements.

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- C. Standards of review. All plans shall be consistent with NPDES Phase II requirements or latest requirements, and mitigation and management techniques, facilities, and practices shall be consistent with stormwater management recommendations of the Engineer and preferred County design and management practices.
- D. Stormwater Pollution Prevention Plan information requirements. The Stormwater Pollution Prevention Plan shall provide all the information required in the Iowa NPDES General Permit No. 2 Part IV, published in 2007, or most recent update, and shall be consistent with Iowa Rules addressing NPDES permits, including 567 Chapters 60 and 64 of the Iowa Administrative Code. The SWPPP shall identify and describe the development project or proposed vegetative clearing as described in the IDNR guidance document for Stormwater Management for Construction Activities, and shall identify or provide the following information where applicable:
 - 1. Existing zoning districts for land within and adjacent to the development
 - 2. All delineated critical natural resources
 - 3. Steep slopes, defined as slopes 14% or greater.
 - 4. Wooded areas
 - 5. Areas of concentrated flow including but not limited to open ditches and grass channels
 - 6. Flow distance from the project boundary to the nearest named receiving water
- E. Stormwater management performance standards. The applicant shall reduce the need for stormwater conveyance or holding facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the receiving water body.
- F. Minimize impact to natural features. The development shall minimize impact to natural features, including steep slopes (greater than 14%), wetlands, wooded areas of significance, rare or unique species habitat, areas with delineated critical natural resources, designated or protected greenways, or County parks and open space.
- G. Maintenance of stormwater facilities. Franklin County requires that stormwater facilities be maintained according to the following standards:
 - (i) Private stormwater facilities. All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed.
 - 1. Maintenance plan required. No private stormwater facilities shall be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance and the maintenance intervals. The maintenance plan shall identify who will remove settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, and on what interval. All settled materials shall be removed and properly disposed of on at least a five (5) year interval. The County may grant a one to five (5) year waiver from this requirement when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.
 - 2. Maintenance-friendly design. All stormwater facilities shall be designed

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to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance.

3. Inspection. The County shall have the right to inspect all private stormwater facilities during construction, during the first year of operation, and at least once every five (5) years thereafter.
- (ii) Maintenance of publicly owned stormwater facilities. The County shall annually perform the maintenance of County-owned stormwater facilities.

10. Parks and School Sites Reserved:

When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan or other official plan of the County, the sub-divider shall indicate such areas on the plat.

- A. Proposed park sites shall be reserved for three (3) years, giving the Governing Body or other authorized public agency the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets, that are contiguous to the site and any taxes and interest incurred by the sub-divider between the date of reservation and date of purchase by the public agency. Should the park sites not be purchased within three (3) years, the sub-divider may then revise the final plat.
- B. Proposed school sites shall be reserved for three (3) years, giving the appropriate school district the option to purchase the land at the appraised raw land value prior to the subdivision as established by a certified land appraiser. The purchase price shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the sub-divider between date of reservation and date of purchase by the school district. Should the school sites not be purchased within three (3) years, the sub-divider may then revise the final plat.

SECTION 5: PROCEDURES

1. Division of Land Process Form.

The Division of Land Process Form shall be used when land is divided in Franklin County.

2. Pre-Application Conference.

Whenever a subdivision located in the County is proposed, the owner and subdivider shall schedule a pre-application conference with the Plats Officer. The conference shall

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be attended by the Plats Officer and such other County or utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable. If any portion of the land to be subdivided lies within two (2) miles of any municipality within the County, which has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, 2007, the Plats Officer shall notify the city in writing and shall invite the appropriate city representatives to attend the pre-application conference. The purpose of such conference shall be to acquaint the County with the proposed subdivision and to acquaint the subdivider with the requirements, procedures and special problems relating to the proposed subdivision.

3. Sketch Plan Required.

For the pre-application conference, the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements and the general layout and arrangement of intended land uses in relation to the surrounding area.

4. Presentation to the Planning and Zoning Commission or Governing Body.

The subdivider may present the sketch plan to the Planning and Zoning Commission and Governing Body for review prior to incurring significant costs preparing the preliminary or final plat.

5. Subdivision Classified.

Any proposed subdivision or resubdivision shall be classified as a minor subdivision or a major subdivision.

A. Minor Subdivision: Any subdivision which contains not more than four (4) lots fronting on an existing street and does not require the construction of any public improvements, and which does not adversely affect the remainder of the parcel shall be classified as a minor plat.

B. Major Subdivision: Any subdivision, which in the opinion of the Governing Body, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

6. Plat Required.

In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the County plats and other information as required by this ordinance. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat and shall submit to the County a Plat of Survey whenever such division requires a metes and bounds description. Parcel descriptions shall denote no less than $\frac{1}{4}$ $\frac{1}{4}$ section without plats of survey. The owner and subdivider of a minor subdivision may elect to omit the submission of a preliminary plat.

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7. Requirements of the Preliminary Plat.

The subdivider shall prepare and file with the Plats Officer, twelve (12) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show, or have attached thereto, the following:

- A. Title, scale, north point and date on each sheet.
- B. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.
- C. The name and address of the owner and the name, address and profession of the person preparing the plat.
- D. A key map showing the general location of the proposed subdivision in relation to surrounding lands.
- E. The names and locations of adjacent subdivisions and the names of owners of record and location of adjoining parcels of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
- F. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plan.
- G. Existing and proposed zoning of the proposed subdivision and adjoining property.
- H. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater.
- I. The legal description of the area being platted.
- J. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
- K. The layout, numbers and approximate dimensions of proposed lots.
- L. The location, width and dimensions of all streets and proposed driveways.
- M. The proposed names for all streets in the area being platted.
- N. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.
- O. Proposed easements showing location, width, purposes and limitations.
- P. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, or shown for such purposes in the Comprehensive Plan or other adopted plans.
- Q. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat shall be attached.
- R. Any other pertinent information as necessary.
- S. The fee, as required by this ordinance.

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8. Procedures for Review of Preliminary Plats.

- A. The Plats Officer shall provide copies of the plat to the County Engineer and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Planning and Zoning Commission. The Plats Officer shall maintain a copy of the plat for public inspection.
- B. The County Engineer shall examine the plat as to its compliance with the requirements of the ordinances and standards of the County and good engineering practice and shall report his findings regarding the plat to the Planning and Zoning Commission.
- C. The Planning and Zoning Commission shall examine the plat and the report of the County Engineer and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the County and conforms to the Comprehensive plan and other duly adopted plans of the County. The Planning and Zoning Commission shall, within forty-five (45) days of the filing of the plat with the Plats Officer, forward a report and recommendation regarding the plat to the Governing Body. If such recommendation is to disapprove or modify the plat, the reasons therefore shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
- D. The Governing Body shall examine the plat, the report of the County Engineer, the report of the Planning and Zoning Commission and such other information as it deems necessary or desirable. Upon such examination, the Governing Body shall ascertain whether the plat conforms to the ordinances and standards of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, in order to protect the public health and welfare. Following such examination, the Governing Body may approve, approve subject to conditions, or disapprove the plat. If the decision of the Governing Body is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the Governing Body, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Governing Body shall be taken within sixty (60) days of the filing of the plat with the Plats Officer, unless such time period is extended by agreement between the subdivider and the County. However, such time limitation notwithstanding, if any portion of the land to be subdivided lies within two (2) miles of any municipality within the County which has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, 2007, the Governing Body shall defer final action on the plat until action has been taken by the municipality.

9. Duration of Approval of Preliminary Plat.

The approval of a preliminary plat by the Governing Body shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the Governing Body.

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10. Authorization to Install Improvements.

The approval of the preliminary plat shall constitute authorization by the Governing Body for the installation of improvements as required by this ordinance, and as shown on the preliminary plat provided no such improvement shall be constructed or installed until and unless the plans, profiles, cross sections and specifications for the construction of such improvement have been submitted to and approved in writing by the County Engineer and any required permits have been received.

11. Completion and Acceptance of Improvements.

Before the Governing Body will approve the final plat, any improvements to become the property of the County shall be constructed and accepted by formal resolution of the Governing Body. Before passage of said resolution of acceptance, the County Engineer shall report that said improvements meet all County specifications and ordinances or other County requirements and the agreements between the subdivider and the County. No improvements shall be designed to become the property of the county without prior written approval from the governing body based upon the recommendation of the County Engineer.

12. Performance Bond Permitted.

In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the County guaranteeing that improvements not completed shall be completed within a period of one (1) year from the date of approval of such final plat.

13. Requirement of Final Plat.

The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period as been extended, prepare and file with the Plats Officer, twelve (12) copies of the final plat and required attachments, as set forth in this ordinance. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the Governing Body until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") nor smaller than eight and one-half inches by eleven inches (8 ½" x 11") and shall be of a size acceptable to the County Auditor, if more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

The final plat shall show the following:

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- A. The name of the subdivision.
- B. Name and address of the owner and subdivider.
- C. Scale and graphic bar scale, north arrow and date on each sheet.
- D. All monuments to be of record, as required by Chapter 354, Code of Iowa, 2007.
- E. Sufficient survey data to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
- F. All distance, bearing curve and other survey data as set forth in Chapter 354, Code of Iowa, 2007.
- G. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, and name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
- H. Street names and clear designation of public alleys.
- I. Block and lot numbers.
- J. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- K. The purpose of any easement shown on the plat shall be clearly stated and shall be continued to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- L. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat".
- M. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use as determined by the Governing Body.
- N. Legal description.
- O. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- P. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

14. Attachments to the Final Plat.

The following shall be attached to and accompany any final plat:

- A. A certificate by the owner and his spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before a notary or officer authorized to take the acknowledgments of deeds.
- B. An attorney's opinion showing that the fee title to the subdivision is free from encumbrances other than those secured by an encumbrance bond.

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- C. The encumbrance bond, if any.
- D. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
- E. A certificate by the Engineer of Record that all required improvements have been satisfactorily completed in accordance with the construction plans as approved, and in substantial compliance with the approved preliminary plat. In lieu thereof, the County Auditor may certify that a bond guaranteeing completion has been approved by the County Attorney and filed with the County Auditor.
- F. Where any improvements are to become the property of the County, a resolution accepting and approving such improvements, along with the maintenance bond required by this ordinance.
- G. A resolution and certificate for approval by the Governing Body, and the signature of the Chairperson.
- H. The applicable fee, if any.
- I. All attachments as specified in the Code of Iowa shall be attached and accompany any final plat.
- J. On a form prescribed by the EMA director, such certification from all Township Trustees and district fire chiefs involved in the subdivision stating that adequate fire/rescue protection will be available.

15. Procedures for the Review of Final Plats.

- A. The Plats Officer shall provide copies of the plat to the County Engineer and such other persons as are necessary to review the plat; and shall schedule that plat for review by the Governing Body. The Plats Officer shall maintain one (1) copy of the plat for the public inspection.
- B. The Plats Officer and the County Engineer shall examine the plat and supporting documentation as to its compliance with the ordinances and standards of the County and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.
- C. If the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Governing Body for review. If the plat is found not to conform to the preliminary plat, it shall be referred to the Planning and Zoning Commission for review prior to review by the Governing Body. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Governing Body within forty-five (45) days of the filing of the plat with the Plats Officer. If the recommendation is to disapprove the plat, or to required modification of the plat, the reasons therefore shall be set forth in writing and a copy of the recommendation shall be provided to the subdivider.
- D. Upon receipt of the plat and written reports thereon, the Governing Body shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the preliminary plat, and if found to substantially conform to the preliminary plat, the Governing Body shall approve the plat and shall cause its approval to be entered on the plat.

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- E. Action on the final plat by the Governing Body shall be taken within sixty (60) days of the date of such filing of the plat with the Plats Officer, unless such time period is extended by agreement between the subdivider and the County. However, such time limitation notwithstanding, if any portion of the land to be subdivided lies within two (2) miles of any municipality within the County which has adopted subdivision regulations in accordance with the provisions of Chapter 409, Code of Iowa, the Governing Body shall defer final action on the plat until action has been taken by the municipality. If the action is to disapprove the plat, the reasons therefore shall be set forth in the official records of the Governing Body and such decisions shall be provided to the subdivider.

16. Procedures for the Recording of Final Plats.

- A. A subdivision plat, other than an auditor's plat, that is presented to the recorder for recording shall conform to this ordinance and shall not be accepted for recording unless accompanied by the following documents:
 - 1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body.
 - 2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in section 354.12 may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.
 - 3. An opinion by an attorney at law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
 - 4. A certified resolution by each governing body as required by section 354.8 either approving the subdivision or waiving the right to review.
 - 5. A statement by the auditor approving the name or title of the subdivision plat.
 - 6. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with section 354.12.
- B. The Plats Officer and the County Engineer shall examine the plat as to its compliance with the ordinances and standards of the County and a subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property, or

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public use other than utility easements, shall be accompanied by the documents listed in subsections 1, 2, 3, 4, and 5 and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments.

- C. A subdivision plat that is presented to the recorder for recording shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eight and one half inches by fourteen inches (8 ½" x 14") nor smaller than eight and one-half inches by eleven inches (8 ½" x 11") and shall be of a size acceptable to the County Recorder with a 2 inch margin at the top. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin.

SECTION 6: OTHER PROVISIONS

1. Variances.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider because of unusual topography or other conditions, or if the subdivision in question is for the purpose of subdividing off an existing building site, the Governing Body may vary, modify or waive the requirement so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. In no case shall variance or modification be more than minimal easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Governing Body may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

To receive a variance, a subdivider must submit a written request to the Plats Officer which will then be put on the agenda of the Governing Body to review. The decision of the Governing Body is final. If the governing body waives its right to review the subdivision it will be by resolution according to Iowa Code 354.8. In no case shall variance or modification be more than minimal easing of the requirements as necessary.

2. Severability Clause.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

3. Changes and Amendments.

This ordinance or any provision of this ordinance may be changed or amended from time to time by the Governing Body, provided however, that such changes or amendments

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shall not become effective until after a public hearing has been held following due public notice.

4. Ordinance Not to Limit Other Ordinances.

Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation or statute, the most restrictive shall apply.

5. When Effective: This ordinance shall be effective after its final passage, approval and publication as provided by law.