

LAND SUBDIVISION ORDINANCE NO. 22
OF CERRO GORDO COUNTY, IOWA



February, 1995

LAND SUBDIVISION ORDINANCE - CERRO GORDO COUNTY

TABLE OF CONTENTS

	PAGE NO.
ARTICLE 1: PURPOSE.....	1
ARTICLE 2: TITLE	1
ARTICLE 3: ADMINISTRATION.....	1
ARTICLE 4: GENERAL PROVISIONS.....	1
4.1 APPLICATION.....	1
4.2 RECORDING OF PLAT	1
4.3 BUILDING PERMIT TO BE DENIED	2
ARTICLE 5: DEFINITIONS.....	2
ARTICLE 6: PROCEDURE FOR PLAT APPROVAL	5
6.1 PRE-PLATTING CONFERENCE.....	5
6.2 PRELIMINARY PLAT PROCEDURE.....	5
6.3 FINAL PLAT PROCEDURE.....	6
ARTICLE 7: SPECIFICATIONS FOR PLATS AND PLANS	9
7.1 PRELIMINARY PLAT	9
7.2 FINAL PLAT	11
ARTICLE 8: SUBDIVISION DESIGN STANDARDS	13
8.1 LAND SUITABILITY	13
8.2 LANDS SUBJECT TO FLOODING.....	13
8.3 STREETS.....	13
8.4 ALLEYS	16
8.5 EASEMENTS.....	16
8.6 BLOCKS.....	17
8.7 LOTS.....	17
8.8 PUBLIC SITES AND OPEN	18
8.9 UTILITIES.....	18
ARTICLE 9: REQUIRED IMPROVEMENTS.....	19
9.1 IMPROVEMENTS REQUIRED.....	19
9.2 INSPECTION	19
9.3 MONUMENTS.....	19
9.4 STREET CONSTRUCTION.....	19
9.5 ENGINEERING PLANS	23
9.6 UTILITIES.....	23
9.7 COMPLETION OF IMPROVEMENTS	24
ARTICLE 10: VARIANCES.....	24
10.1 HARDSHIP.....	24
10.2 LARGE SCALE DEVELOPMENT	24
10.3 CONDITIONS	24
ARTICLE 11: AMENDMENTS	25
ARTICLE 12: CONFLICT AND SEVERABILITY	25
12.1 CONFLICT	25
12.2 SEVERABILITY CLAUSE.....	25
ARTICLE 13: PENALTY	25
ARTICLE 14: ENACTMENT AND EFFECTIVE DATE.....	26

CERRO GORDO COUNTY, IOWA, LAND SUBDIVISION ORDINANCE

ARTICLE 1: PURPOSE

Because each new subdivision accepted by Cerro Gordo County becomes a permanent unit in the basic physical structure in the growth and development of the County, all subdivisions hereinafter planned within the unincorporated areas of the County shall in all respects be in full compliance with the regulations hereinafter set forth. The purpose of these regulations is to provide for the harmonious development of Cerro Gordo County, consistent with the Comprehensive Plan, promote the public health, safety and general welfare of the citizens of Cerro Gordo County, and for the coordination of streets and other public open spaces in new subdivisions with other existing or planned streets and public open spaces in the county or region.

ARTICLE 2: TITLE

This Ordinance shall be known, cited and referred to as "The Land Subdivision Ordinance of Cerro Gordo County, Iowa."

ARTICLE 3: ADMINISTRATION

The provisions of this Ordinance shall be administered by an appointed Administrative Officer, the Zoning Commission, the County Engineer and the Board of Supervisors of Cerro Gordo 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.

ARTICLE 4: GENERAL PROVISIONS

4.1 APPLICATION

- A. Subdivisions located within two (2) miles of the corporate limits of any city or town also enforcing subdivision regulations, 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.

4.2 RECORDING OF PLAT

- A. No subdivision plat, resubdivision plat or street dedication within Cerro Gordo 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 in accordance with the provisions of this ordinance.
- B. Upon the approval of the final plat by the Board of Supervisors, 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 revokable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the Board of Supervisors within such thirty (30) days.

4.3 BUILDING PERMIT TO BE DENIED

- A. 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.

ARTICLE 5: DEFINITIONS

For the purpose of this Ordinance the language used herein shall be in accordance with the following rules:

- A. The singular number shall include the plural and the plural, the singular.
- B. The use of the present tense shall include the past and future tense, and the future shall include the present.
- C. The word "shall" is mandatory. The word "may" is permissive, the word "should" is suggestive.
- D. All measured distances, expressed in feet, shall be to the nearest hundredth of a foot.
- E. All distances, unless otherwise specified shall be measured horizontally.
- F. The word "building" shall include the word "structure."

For the purpose of this ordinance, all words shall carry their customary meanings, except as specifically defined hereinafter.

ALLEY:

A thoroughfare through the middle of a block giving access to the rear of a building or premise.

ARTERIAL STREET:

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

BUILDING LINE:

An imaginary line, usually parallel to the front and side lot lines, beyond which a building cannot lawfully extend.

COLLECTOR STREET:

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

COMMISSION:

The County's Zoning Commission.

COMPREHENSIVE PLAN:

The composite of the functional and geographic elements of the determined goals and objectives of the county for the harmonious future development thereof; in the form of plans, maps, charts and text material as adopted by Cerro Gordo County.

CUL-DE-SAC:

A minor street having one open end and being permanently determined at the other end by a vehicular turnaround.

EASEMENT:

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

ENGINEER:

The County's registered professional engineer, whether he be a county employee or retained by the county for the necessary functions herein defined.

FINAL PLAT:

A map or plan of a subdivision, and any accompanying material.

HALF STREET:

A street bordering one or more property lines of a tract of land in which the developer has allocated but part of the ultimate right-of-way width.

LOT:

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

MARGINAL ACCESS STREET:

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

MINOR STREET:

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

PEDESTRIAN WAY:

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

PERSON:

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

PLAT:

A map, drawing, plan or chart of a subdivision.

PRELIMINARY PLAT:

A tentative map or plan of a proposed subdivision.

PROTECTIVE COVENANTS:

Contracts entered into between parties and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

STREET:

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

SUBDIVIDER:

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

SUBDIVISION:

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

SUBDIVISION DESIGN STANDARDS:

The guides, principles and specifications for the preparation of subdivision plans.

ZONING ADMINISTRATOR:

The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

ARTICLE 6: PROCEDURE FOR PLAT APPROVAL

6.1 PRE-PLATTING CONFERENCE

Before subdividing any tract of land and previous to the filing of an application for conditional approval of the preliminary plat, the subdivider and his land surveyor or engineer shall meet with the Zoning Administrator and the County Engineer and discuss their plans. This step does not require formal application, fee nor filing of plat.

The purpose of the "pre-platting conference" is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Zoning Administrator and the County Engineer, and to consult early and informally with them before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities.

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

6.2 PRELIMINARY PLAT PROCEDURE

- A. On reaching conclusions, informally as recommended in Article 5.1 above, regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in Article 6.1.
- B. Ten (10) prints of the preliminary plat shall be submitted to the Zoning Administrator at least four weeks prior to the Zoning Commission meeting at which consideration is desired. The Zoning Administrator shall immediately refer a copy to each member of the Zoning Commission and one (1) copy to the County Engineer upon receipt of a preliminary plat.
- C. The Zoning Commission shall notify the owner or subdivider as to the time and place of the meeting at which his plat and plan will be studied. The Commission may direct that the owner or subdivider attend any deliberation on the submitted plat.
- D. The Zoning Commission shall study and act on the preliminary plat and the County Engineer shall study said plat and plans in regard to street layout and the provision of water and sewerage and make his recommendations on these aspects to the Zoning Commission. If the Commission disapproves a plat, the reasons for disapproval shall be set forth in writing in the report and a copy of the report and recommendation shall be provided to the applicant.
- E. If the Zoning Commission acts favorably on a preliminary plat, a notation to that effect shall be made on the plat above the signature of the Chairman and Secretary and it shall be referred to the Board of Supervisors for action. The Board of Supervisors shall act within twenty (20) days. Its action shall be noted on the plat, signed by the Chairman and be returned to the subdivider for compliance with final plat requirements.

6.2 PRELIMINARY PLAT PROCEDURE(continued)

- F. The Board of Supervisors shall examine the plat, and upon such examination, 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 Board of Supervisors may approve, approve subject to conditions, or disapprove the plat. If the decision of the Board of Supervisors is to disapprove the plat or to approve the plat with conditions, the reasons therefore shall be set forth in writing in the official records of the Board of Supervisors, and such decisions shall be provided to the applicant. If any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, the Board of Supervisors shall defer final action on the plat until action has been taken by the Municipality.
- G. Conditional approval of preliminary plat shall confer upon the applicant the following rights for a one (1) year period from the date of approval:
1. That the general terms and conditions under which the preliminary approval was granted will not be changed.
 2. That the said applicant may submit on or before the expiration date the whole or part or parts of said plat for final approval.
- H. The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the 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 Board of Supervisors.

6.3 FINAL PLAT PROCEDURE

- A. Before consideration of a final subdivision plat, the subdivider shall have submitted plans and specifications for necessary improvements to the County Engineer and other appropriate authorities as required by law or the Zoning Commission. Said necessary improvements shall include but not necessarily be limited to the following:
1. Streets and roads including drainage facilities.
 2. Individual lot sewage treatment facilities.
 3. Community sewage treatment and/or water systems.
- Items 1, 2 and 3 above shall meet approval by the County Engineer and other appropriate authorities as required.
- B. Before approval of a final subdivision plat, the subdivider shall have installed the improvements required under Article 9 or the Board of Supervisors shall require the posting of adequate performance guarantees with the Zoning Administrator to assure the installation of the required improvements within one (1) year after final approval of the plat. See Article 6.3E of this Ordinance.

6.3 FINAL PLAT PROCEDURE(continued)

- C. Ten (10) copies and the original tracing of the final plat shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the date of a regular Zoning Commission meeting for forwarding to the Zoning Commission for final approval. Each proposed final plat shall be accompanied by a fee of two hundred dollars (\$200.00). This fee shall cover or off-set the administrative costs involved on such final plat. The Zoning Administrator shall immediately refer a copy of said plat to each member of the Zoning Commission and one (1) copy to the County Engineer upon receipt of a final plat. The Zoning Commission shall be assisted by the County Engineer's recommendations and shall act upon the final plat.
- D. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and other duly adopted plans, all as of the date of approval of the Preliminary Plat, and is found to substantially conform to the preliminary plat, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat.
- E. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications required by the Zoning Commission. The final plat shall be accompanied by a statement from the County Engineer that he has received a map showing all utilities in exact location and elevation, identifying those portions already installed, those to be installed, and that the subdivider has complied with one of or a combination of the following:
1. Installed all improvements in accordance with the requirements of these regulations, or
 2. A performance bond, executed by the subdivider and by a surety company authorized to do business in the State of Iowa, or an escrow account which must be countersigned by both the subdivider and the County, has been posted with the Zoning Administrator in sufficient amount to assure the completion of required improvements within one year after final approval of the plat. The amount of the bond or escrow shall not be less than the estimated cost of the improvements as determined by a registered professional engineer acting for the subdivider which shall also have the approval of the County Engineer.
- E. If final plat approval is noted by the Zoning Commission it shall be recorded on the plat over the signature of both the Chairman and Secretary of the Commission and the Commission shall then forward the plat to the County Board of Supervisors for final approval and acceptance of all streets, alleys, ways, easements, parks or areas preserved for or dedicated to the public.
- F. If the Zoning Commission does not approve the final plat of a subdivision the Board of Supervisors may approve the plat and accept all streets, alleys, ways, easements, parks or areas preserved for or dedicated to the public by a unanimous favorable vote by the entire membership of the Board of Supervisors.

6.3 FINAL PLAT PROCEDURE(continued)

- G. Upon final approval, the Board shall record such approval on the plat over the signature of the Chairman and the Certificate of the County Auditor. Copies of the approved final plat shall be filed with the following:
 - 1. County Zoning Commission
 - 2. Zoning Administrator
 - 3. County Engineer
 - 4. Two copies to owner or subdivider
- H. After final approval by the Board of Supervisors, the Zoning Commission shall notify the owner or the subdivider, and the subdivider shall cause said plat to be filed with the county recording officer of Cerro Gordo County, Iowa, as provided by the Code of Iowa, and shall file satisfactory evidence of such recording in the office of the Zoning Administrator of Cerro Gordo County, Iowa, before the County shall recognize the plat as being in full force and effect.

ARTICLE 7: SPECIFICATIONS FOR PLATS AND PLANS**7.1 PRELIMINARY PLAT**

- A. The preliminary plat shall be clearly marked "Preliminary Plat" and shall be drawn on suitable tracing paper or other material of suitable quality with black ink or graphite pencil at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all the following existing and proposed data and conditions:
1. Date, scale, north arrow and title on each sheet.
 2. Location of the plat by quarter, quarter section, section, township and range and any other necessary legal description to describe the boundary line of the proposed subdivision.
 3. Approximate total area of proposed subdivision.
 4. Proposed name of subdivision that shall not duplicate or resemble existing subdivision names in the county and names and addresses of owner or subdivider of tract and engineer or person preparing plat and information.
 5. Topographic map of the area showing contours as follows:
 - a. Two (2) foot intervals where slope is seven (7) percent or less;
 - b. Five (5) foot intervals where slope is from seven (7) to fifteen (15) percent;
 - c. Ten (10) or twenty (20) foot intervals where slope is greater than fifteen (15) percent.
 - d. All areas of the subdivision to be platted with a slope of greater than twenty-five (25) percent shall be clearly indicated.
 6. Water elevations of adjoining lakes, rivers and streams at date of survey and their high and normal water elevations. All elevations shall, when possible, refer to established United States Coast and Geodetic Survey and/or United states Geodetic Survey Datum.
 7. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.
 8. Present zoning district classification of land to be subdivided and all adjacent lands; and the proposed zoning district classification for the land to be subdivided if a change is intended.

7.1 PRELIMINARY PLAT (continued)

9. Location, widths and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, private or public drainage facilities, permanent buildings and structures, section and township lines and such other data as may be required by the Zoning Commission within the area being subdivided and within three hundred (300) feet of the exterior boundaries thereof.
10. Location, size and flow elevations of existing sanitary and storm sewer and culverts; location and size of water mains, gas lines and other underground facilities within the area being subdivided and within three hundred (300) feet of the exterior boundaries thereof. Also to include location of fire hydrants, electric and telephone lines, underground or poles and street lights.

A complete report of the availability of the facilities listed above and existing beyond the area being subdivided shall also be provided.
11. Approximate exterior boundaries of the land being subdivided.
12. The layout and width and name of all proposed streets and rights-of-way and easements, whether public or private, for public and private utilities. street names shall be identical to existing street names if the proposed street is an extension of the existing street. Public streets shall be required in all subdivisions.
13. Approximate proposed layout and dimension of all lots.
14. Approximate radii of all curves and lengths of all tangents.
15. Directional drainage arrows shall be shown to define the proposed surface drainage of all streets with spot elevations given in critical areas and where severe cuts or fills are proposed.
16. Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of such dedication or reservation.
17. Approximate location and type of water and sanitary treatment facility site if community water and/or sanitary treatment facilities are being proposed.
18. Percolation test results, minimum of two (2) per soil type of the site shall be required where individual sanitary facilities are proposed, together with soil borings, a minimum of one (1) for every acre to indicate depth to water table and rock formation, when requested by County Health Officer.
19. Soil types shall be determined from the United States Department of Agriculture, Soil Conservation Service Data.
20. Average depth to water table and bed rock shall be indicated.

7.2 FINAL PLAT

- A. Every plat of a subdivision offered for record shall conform to all of the provisions of Chapter 354 of the Code of Iowa.
- B. The final plat shall be clearly marked "Final Plat."
- C. All information required and shown on the preliminary plat, as required by Article 7.1A1, 2, 4 and 6 of this Ordinance.
- D. Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries.
- E. True angles and distances to the nearest street lines or official monuments.
- F. Lines of streets and alleys, with their widths and names.
- G. Municipal, township, county and section lines accurately tied to the lines of the subdivision by distances and angles.
- H. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets and radii for all rounded corners.
- I. Exact dimensions of all lots.
- J. An identification system for all lots and blocks using consecutive numbers.
- K. Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "DEDICATED TO PUBLIC." All protective or deed covenants, private restrictions or easements shall be shown on the plat or correctly referenced.
- L. Building setback lines as established by the Zoning Ordinance or Deed Restrictions.
- M. A certificate by the deed owner that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
- N. When a proposed entrance of the subdivision is onto a controlled access road the approval of the County Engineer regarding such entrance shall accompany the final plat. Where such control is exercised by the Iowa State Department of Transportation the approval of this body shall accompany the final plat.
- O. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat."
- P. 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 Board of Supervisors.
- Q. The minimum unadjusted accepted error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

7.2 FINAL PLAT (continued)

- R. Certification by a licensed land surveyor that the plat represents a survey made by him and that monuments and markers shown thereon exist as shown.
- S. Every plat shall be accompanied by a complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by the bond provided for in Chapter 354 of the Code of Iowa; and a certified statement from the Treasurer of the County that it is free from taxes, and from the Clerk of the District Court that it is free from all judgments, attachments, mechanics, or other liens as appears by the record in that office; and from the Recorder of the County that the title in fee is in such proprietor and that it is free from encumbrance by the above cited bond, as shown by the records of that office.
- T. A certificate by the owner or owners dedicating to the public for full public use all street and street rights-of-way and other land designated as "DEDICATED TO PUBLIC" and the granting of utility easements as shown on the plat shall accompany the final plat.
- U. 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.
- V. A certificate of approval by the Zoning Commission, the County Engineer and the Board of Supervisors.

ARTICLE 8: SUBDIVISION DESIGN STANDARDS

8.1 LAND SUITABILITY

- A. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological 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 County.

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

8.2 LANDS SUBJECT TO FLOODING

- A. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the County without the approval of the Iowa Natural Resources Council. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is 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.

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

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

8.3 STREETS

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to Cerro Gordo County's Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets

8.3 STREETS (continued)

- B. Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
 2. Conform to a plan for the neighborhood approved or adopted by the Zoning Commission to meet a particular situation where topographic or other conditions make continuance of conformance to existing streets impracticable.
- C. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Where a subdivision abuts or contains an existing or proposed arterial street, the Zoning Commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of the residential or other proposed properties and to afford separation of through and local traffic.
- E. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Zoning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- F. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the county under conditions approved by the Zoning Commission.
- G. Streets jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- H. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for minor and collector streets, and of such greater radii as the County Engineer shall determine for special cases.
- I. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees and no street shall intersect a federal aid secondary road at less than seventy (70) degrees. More than two (2) streets intersecting at the same location shall be prohibited.
- J. When the Zoning Commission finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet or they may permit comparable chords in lieu of the rounded corner.

8.3 STREETS (continued)

- K. Street right-of-way width and design speeds shall be as shown in the Comprehensive Plan and where not shown therein shall be not less than as follows:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY</u>	<u>MINIMUM WIDTH OF ROADWAY</u>	<u>DESIGN SPEED**</u>
State Arterial	Requirements set by Iowa Dept. of Transportation		
Community Arterial	100 Ft.	33 Ft.*	45
Collector	80 Ft.	31 Ft.*	35
Minor	66 Ft.	31 Ft.	25
Cul-De-Sac	66 Ft.	31 Ft.	25
Marginal Access	60 Ft.	31 Ft.	25

On recommendation of the County Engineer, the Zoning Commission may require additional right-of-way, roadway width or development of sidewalks.

- L. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- M. Dead end streets, designed to be so permanently shall not be longer than six hundred (600) feet except that the Zoning Commission may approve a maximum length not to exceed one thousand (1,000) feet due to property limitations. Such streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred twenty (120) feet. The Zoning Commission may approve a "T" or "Y" type turnaround in lieu of the circular turnaround.
- N. Streets that are or will become extensions of existing streets shall be given the same name as the existing streets. No new street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Zoning Commission.

* Where on-street parking is to be permitted, an additional eight (8) feet per parking lane shall be required.

** Non-passing design speed criteria.

8.3 STREETS (continued)

- O. Street grades shall be subject to approval of the County Engineer, but wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves and intersection approach grades:

<u>STREET TYPE</u>	<u>PERCENT GRADE</u>
Arterial	6%
Collector	8%
Minor	10%
Cul-De-Sac	10%
Marginal Access	8%

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

8.4 ALLEYS

- A. Alleys shall be provided in commercial and industrial districts, except that the Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- B. Alleys shall not be permitted in a residential district unless deemed necessary by the Zoning Commission.
- C. The minimum width of an alley shall be twenty (20) feet.
- D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- E. Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Zoning Commission.

8.5 EASEMENTS

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be not less than five (5) feet in width on each side of all rear lot lines and side lot lines where necessary for underground wires and conduits or poles and wires, storm sewer and sanitary sewers, gas, water and heat mains. Greater width easements may be required in some cases.
- B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith. If it is deemed advisable by the Zoning Commission and the County Engineer, such watercourse or drainage way may be re-established to conform with the proposed street or lot pattern, in which case suitable storm drainage facilities shall be installed as designed and established by a registered professional engineer for the subdivision.

8.6 BLOCKS

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - 2. Zoning requirements as to lot sizes and dimensions.
 - 3. Needs for convenient access, circulation, control and safety of street traffic.
 - 4. Limitations and opportunities of topography and other natural features.
- B. Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

8.7 LOTS

- A. Lot dimensions shall conform to the requirements of the Zoning Ordinance; however, greater lot areas and dimensions may be required where community water and sewerage facilities are not available, if necessary and as determined by the tests and analysis specified in Article 7 and design as specified in Article 6 of this Ordinance.
- B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- C. Large lot subdivisions. Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical and functional arrangement of smaller lots.
- D. Double Frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- E. Side lot lines shall be substantially at right angles or radial to street lines. Side lines of lots formed by radial projections shall form a lot having not less than twenty (20) feet across the rear property line.
- F. Corner lots for residential use shall have additional width to permit appropriate building set back from an orientation to both streets.

8.8 PUBLIC SITES AND OPEN

- A. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Zoning Commission may require that such area be reserved for acquisition by the County or school district for a period of one and one-half (1½) years, in those cases in which the Zoning Commission deems such requirements to be reasonable.
- B. Where deemed essential by the Zoning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit development not anticipated in the Comprehensive Plan, the Zoning Commission may require a one and one-half (1½) year reservation for county acquisition of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.

8.9 UTILITIES

- A. The source of domestic water supply and type of sewage disposal shall accompany each plat along with the written report from the County Health Department for the information of the Zoning Commission, the County Engineer and the Board of Supervisors.

ARTICLE 9: REQUIRED IMPROVEMENTS

9.1 IMPROVEMENTS REQUIRED

- A. 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 County, and as shown on the approved preliminary plat.

9.2 INSPECTION

- A. 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.

9.3 MONUMENTS

- A. Durable monuments (iron rods or T bars) shall be placed at all lot and block corners. At all angle points in any line, at each end of all curves, and at such other points as may be required by the County Engineer.
- B. The external boundaries of the subdivision, block corners, angle points and ends of curves shall be monumented in the field by monuments at least thirty (30) inches long and three-quarters (3/4) inch in diameter or width.
- C. All lot corners and other points not referred to in Section 9.3B shall be monumented in the field by monuments at least twenty-four (24) inches long and three-quarter (3/4) inch in diameter or width.
- D. All monuments shall be properly set flush with the ground by a licensed land surveyor.

9.4 STREET CONSTRUCTION

- A. All materials, construction methods, procedures and finished roadways shall be in compliance with Iowa Department of Transportation Standard Specifications of the series current at the time of construction.

Deviations may be approved on an individual basis as prepared by a registered professional engineer.
- B. All streets shall be properly graded, drained and paved in accordance with plans prepared by a registered engineer and approved by the County Engineer and such other authorities as are prescribed by the Board of Supervisors.

9.4 STREET CONSTRUCTION (continued)

C. Pavement types:

1. Portland cement concrete:
 - a. Concrete shall be of Type "C" or better.
 - b. Shall be laid by methods prescribed, but shall be laid to a profile tolerance not to exceed 0.01 foot in any 10 foot segment.
 - c. Shall be on minimum 6 inch thickness in all residential areas and 7 inches in all other areas.
 - d. Shall be laid to the cross section prescribed by this Article or suitable substitute as set out in A. above.
 - e. Shall have center line sawed joint and transverse sawed joints at 20 feet maximum spacing. Saw cuts to be minimum of 25 percent of pavement thickness and filled with bituminous filler as per Iowa Department of Transportation specifications.
2. Asphaltic concrete pavement.:
 - a. Shall consist of both asphalt treated base and asphaltic concrete surface. Type b Class 1 asphaltic concrete base may be substituted for asphaltic concrete surface.
 - b. Equipment and procedures shall meet tolerance requirements of C1.b above.
 - c. Streets:
 - 1) Residential streets shall be minimum 6 inch asphalt base and 2 inch asphalt surface.
 - 2) Other than residential streets shall have minimum thickness of 8 inch asphaltic base and 2½ inch asphaltic surface.
 - d. Curb and gutter sections shall be portland cement concrete.
 - e. Shall be laid to the cross section as prescribed by Article 9.4G or suitable substitute as set out in A above.

9.4 STREET CONSTRUCTION (continued)

D. Curb and Gutter.

1. Width of section shall be minimum of 2 feet. Construction may be integral with pavement slab.
2. Shall be constructed of portland cement concrete mixes conforming to paving mix requirements.
3. Cross section to conform to diagrams in this Article.
4. Gutter thickness shall be equal to that of portland cement pavement requirements.

E. Drainage.

1. On frontage roads adjacent to properly drained side ditches of existing roadways the roadway may be drained to the common ditch provided existing drainage structures are determined to be of adequate capacity to carry the increased run off. In such cases, no storm sewer will be required.
2. Where facilities for proper drainage do not exist, adequate storm sewer shall be installed. Storm drain systems shall be designed by a registered engineer and approved by the county.
3. Storm drainage systems shall be carried to suitable outlet approved by the county.

F. Profiles.

1. Frontage road to substantially comply with that of existing adjacent roads. Variations of plus or minus 0.5 foot are desirable. But more deviation may be approved to better suit existing conditions.
2. Interior streets should conform to natural ground elevations insofar as is feasible. Cuts in excess of 1.5 foot below proposed yard elevations at the building line shall be avoided wherever possible.
3. General:

Sections having curb and gutter on both sides of the pavement shall carry a minimum plus or minus 0.30 percent grade on tangents. Changes in gradient in excess of 0.2 percent shall have transition parabolic vertical curves of not less than 50 feet in length or 0.4 (algebraic difference in grades) equals stations, whichever is greater.

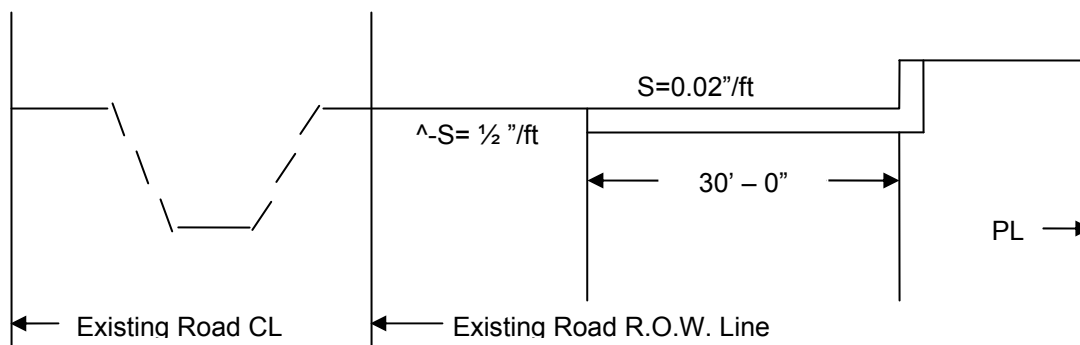
9.4 STREET CONSTRUCTION (continued)

Examples:

- a. -0.3% grade to +0.3% grade
Change = 0.6%
 $0.4 \times 0.6 = 0.24$ stations, therefore, use 50 foot curve
- b. -0.3% grade to +1.6% grade
Change = 1.9%
 $0.4 \times 1.9 = 0.76$ stations, therefore, use 75 foot minimum curve

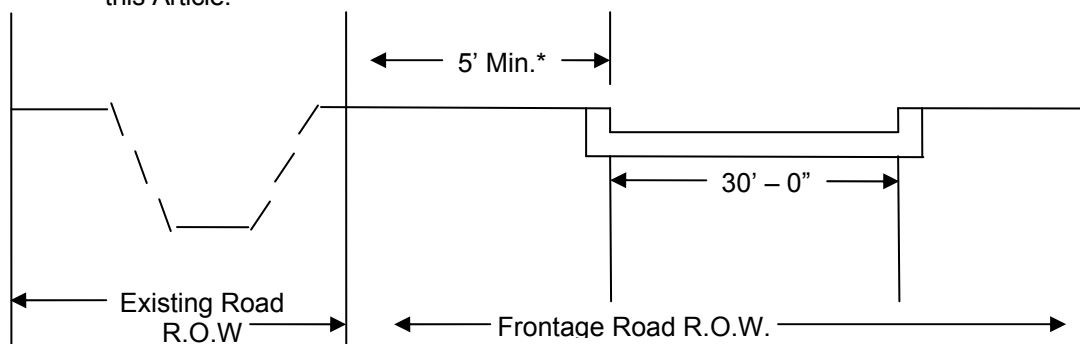
G. Typical Section I

Frontage road having adequate side ditch and structure drainage as prescribed under Article 8.1E of this Article.



Typical Section II

Frontage road having inadequate side ditch drainage as prescribed under Article 8.1E of this Article.

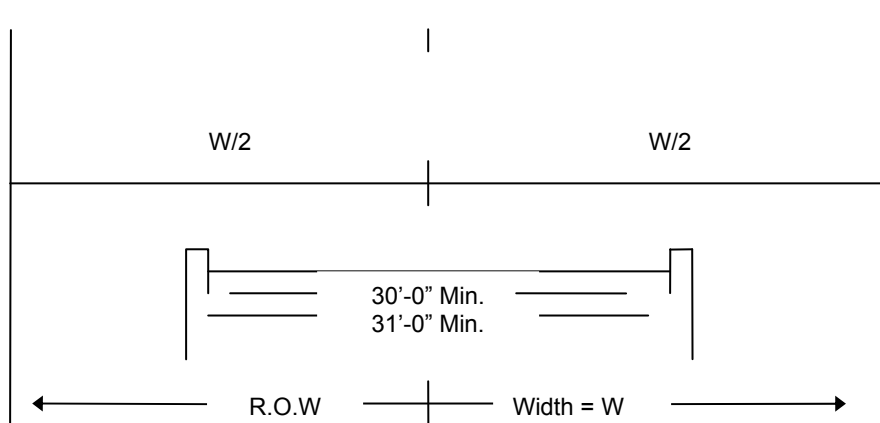


- (A) Crown of P.C. Concrete to be 2 inches parabolic
(B) Crown of A.C. Pavement to be 4 inches "A" Type
* Dependent on condition and right-of-way width of existing road.

9.4 STREET CONSTRUCTION (continued)

Typical Section III

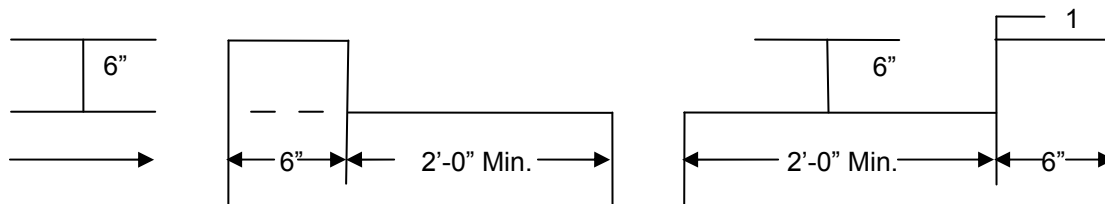
Interior Streets



(A) Crown to be same as Section II.

Typical Section IV

Permissible curb sections:

**9.5 ENGINEERING PLANS**

- A. Street plans and profiles shall be drawn with black ink on plan and profile linen. Street plans and profiles shall be drawn to a scale of one (1) inch equals one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically, and shall show original and proposed centerline elevations, all curve data, street orientation and a typical cross-section for each street.

9.6 UTILITIES

- A. It shall be the responsibility of the subdivider to contact utility companies to determine the availability of services and to make the necessary arrangements for their installation within necessary rights-of-way and easements.

9.6 UTILITIES (continued)

- B. Where a community-type water supply system and/or sewerage facilities are to be utilized, plans for such shall be designed and inspected by a registered professional sanitary engineer for the subdivider. The facilities shall be constructed in accordance with such plans and certified to the county by the engineer prior to construction of buildings upon the lots.

9.7 COMPLETION OF IMPROVEMENTS

- A. The final plat shall not be approved until the plans and specifications for the improvements are acceptable to the county engineer and those improvements have been completed. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may post a bond or escrow as per Article 6.

ARTICLE 10: VARIANCES

10.1 HARDSHIP

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

10.2 LARGE SCALE DEVELOPMENT

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

10.3 CONDITIONS

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

ARTICLE 11: AMENDMENTS

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

ARTICLE 12: CONFLICT AND SEVERABILITY

12.1 CONFLICT

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

12.2 SEVERABILITY CLAUSE

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

ARTICLE 13: PENALTY

Any person, firm or corporation violating any regulation in or any provision of this ordinance, or of any amendment or supplement thereto, shall be guilty of a simple misdemeanor which is punishable by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment of not more than thirty (30) days and shall be guilty of a County infraction punishable by a civil penalty of not more than One Hundred Dollars (\$100.00), or if the infraction is a repeat offense, by a civil penalty not to exceed Two Hundred Dollars (\$200.00). Each day that a violation occurs or is permitted by the Defendant to exist, constitutes a separate offense.

ARTICLE 14: ENACTMENT AND EFFECTIVE DATE

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

Motion by Supervisor Urdahl and seconded by Supervisor Broers: To approve the final reading of Cerro Gordo County Home Rule Ordinance No. 22 entitled "Land Subdivision Ordinance of Cerro Gordo County, Iowa." Said hearing being continued from the first public hearing held February 14, 1995, and the second hearing held February 21, 1995.

Vote taken resulted as follows:

Ayes - Urdahl, Broers and Ermer
Nays - None
Absent - None

Passed and approved this 25th day of February, 1995.

/s/ Robert K. Ermer
Robert K. Ermer, Chairman, Board of
Supervisors, Cerro Gordo County, Iowa.

ATTEST:

/s/ Kenneth W. Kline
Kenneth W. Kline, Auditor
Cerro Gordo County, Iowa.