

ORDINANCE #VI.2

-SUBDIVISION ORDINANCE- LAND SUBDIVISION REGULATIONS – TAMA COUNTY, IOWA

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

ARTICLE I. TITLE

Section 100. Title. This ordinance shall be known, cited and referred to as the “Subdivision Ordinance” of Tama County, Iowa.

ARTICLE II. PURPOSE AND JURISDICTION.

Section 200. Purpose. The purpose of these regulations is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions so as to provide for the harmonious development of Tama 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.

Section 201. Jurisdiction. Because each new subdivision accepted by Tama County becomes a permanent unit in the basic physical structure in the growth and development of the County, all subdivisions hereafter planned within the unincorporated areas of the County shall in all respects be in full compliance with the regulations hereinafter set forth. A subdivision is defined in Section 401.28 as the division of any parcel of land three (3) or more parcels of lots for the purpose of transfer of ownership. 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.

Section 202. Exceptions. Parcels created by governmental entities or the division of land for agricultural purposes into lots and not involving a new street shall not be deemed a subdivision.

ARTICLE III. ADMINISTRATION.

Section 300. County Officials. An appointed Zoning Administrator, the Zoning Commission, the County Sanitarian, the County Engineer and the Tama County Board of Supervisors shall administer the provisions of this ordinance. When applicable, performance bonds are subject to the approval of the County Attorney and County Treasurer. All plats shall be submitted to the Zoning Administrator, who shall be responsible for distributing them to the appropriate offices. After reviewing the plats, the Commission and Engineer shall submit their recommendations and the plats to the Board of Supervisors, who shall have the final power to approve or deny the application.

ARTICLE IV. DEFINITIONS.

Section 400. Word Conventions. For the purpose of this ordinance the language used herein shall be in accordance with the following rules:

1. The singular number shall include the plural, and the plural the singular.
2. The use of the present tense shall include the past and future tense, and the future shall include the present.
3. The word “shall” is mandatory, the word “may” is permissive, and the word “should” is suggestive.
4. All measured distances, expressed in feet, shall be to the nearest integral foot.
5. All distances, unless otherwise specified, shall be measured horizontally.
6. The word “building” shall include the word “structure.”

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

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1. ALIQUOT PART. 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.
2. ALLEY. A right-of-way providing a secondary means of access to abutting property.
3. ARTERIAL STREET. A public right-of-way with a high degree of continuity that serves the movement of large volumes of traffic between various districts.
4. BLOCK. An area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
5. BUILDING LINE. A line designating the allowable proximity of a building with an adjacent street, alley or property line.
6. COLLECTOR STREET. A public 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.
7. 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 Tama County.
8. CUL-DE-SAC. A minor street having one open end and being permanently terminated at the other end by a vehicular turn-around.
9. EASEMENT. An authorization by a property owner for another person or persons, or the public generally, to use a designated part of the owners property for a specified purpose.
10. FINAL PLAT. A map or plan of a subdivision, and any accompanying material.
11. HALF STREET. A street bordering one or more property lines of a tract of land in which the developer has allocated only a portion of the ultimate right-of-way width.
12. GOVERNMENT LOT. A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
13. IMPROVEMENT. A change to the land necessary to prepare it for building sites, including but not limited to grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers and drainage-ways.
14. LOT. A portion of a subdivision or other parcel of land intended as a unit for the purpose of transfer of ownership or for building development.
15. MARGINAL ACCESS STREET. A minor street which is parallel and adjacent to an arterial, and which provides access to abutting properties and protection from through traffic.
16. METES AND BOUNDS DESCRIPTION. A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
17. MINOR STREET. A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.
18. OFFICIAL PLAT. Either an auditor's plat or a subdivision plat that meets the requirements of Chapter 354 and has been filed for record in the office of the County Recorder.
19. OPEN SPACE. Land within or related to a development, not individually owned or dedicated for public use, which is designed for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate.
20. OWNER. The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on said entity's behalf.
21. PEDESTRIAN WAY. A right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way, a crosswalk or other.
22. PERSON. Any individual, firm, association, partnership, corporation, trust or any other legal entity.
23. PLAT. A map, drawing or chart that shows the plans for the subdivision of land.
24. PRELIMINARY PLAT. A tentative map or plan of a proposed subdivision.
25. PROTECTIVE COVENANTS. A contract entered into between private parties and which constitutes 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 that would tend to impair stability of values.
26. STREET. A right-of-way that affords primary means of access by pedestrians and vehicles to abutting properties.
27. SUBDIVIDER. Any person commencing proceedings under this Ordinance, for himself or for another.
28. SUBDIVISION. The division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or for building development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
29. SUBDIVISION DESIGN STANDARDS. The guides, principles and specifications for the preparation of subdivision plans.
30. SURVEYOR. A licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.
31. TRACT. An aliquot part of a section, a lot within an official plat, or government lot.
32. UTILITIES. A system for the distribution or collection of water, gas, electricity, wastewater, sewage, storm water, telephone, and cable television.

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33. ZONING ADMINISTRATOR. The County Official appointed by the Board of Supervisors to administer this Ordinance.

ARTICLE V. PROCEDURE FOR PLAT APPROVAL.

Section 500. Feasibility Study Procedure.

1. Before subdividing any tract of land and previous to the filing of an application for conditional approval of Preliminary Plat, the Subdivider should meet with the Tama County Zoning Commission and discuss their plans. Plans and data should be presented to the Commission as specified in Section 600.1 and 600.2 of this Ordinance. This step does not require formal application, fee, or filing of plat with the Zoning Commission.

Advice to the Subdivider:

The purpose of the feasibility study is to afford the Subdivider an opportunity to avail themselves of the advice and assistance of the Zoning Administrator and the Zoning Commission, and to consult early and informally with the Commission 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 their opportunities.

The Subdivider should also consult with parties potentially interested with him/her 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, and the most advantageous subdivision plan, including the arrangement of streets, lots and other features of the proposed development.

Here is where the die is cast; opportunities are assured or lost. Good counsel on all parts of the problem is essential at this stage. The Subdivider is advised to engage a land planning specialist qualified to help him/her resolve the major factors into a workable and profitable subdivision plan.

2. Either at the time of meeting or within fifteen (15) days after such meeting and discussion the Zoning Commission shall inform the Subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the Zoning Commission finds the plans and data do not meet the objectives of these regulation it shall express its reasons therefore.

Section 501. Preliminary Plat Procedure.

1. On reaching conclusions, informally as recommended in Section 500 above, regarding his/her 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 Section 601.

2. At least four (4) copies of the preliminary plat together with four (4) completed application forms for preliminary approval shall be submitted to the Zoning Administrator, who shall set a time within two weeks for a meeting of the Zoning Commission. Upon receipt of a preliminary plat the Zoning Administrator shall immediately refer two (2) copies of said plat to the Secretary of the Zoning Commission and one (1) copy to the County Engineer.

3. The Zoning Commission shall notify the owner or subdivider as to the time and place of the meeting at which his/her plat and plan will be studied. The Commission may direct that the owner or subdivider attend any deliberation on the submitted plat.

4. 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/her recommendations on these aspects to the Zoning Commission; all to be accomplished within forty-five (45) days after submission to the Zoning Administrator. If the Commission disapproves a plat, the reasons for disapproval shall be remedied prior to further consideration. The preliminary plat shall not be approved until the plans and specifications for necessary improvements are acceptable to the County Engineer.

5. If the Zoning Commission acts favorably on a preliminary plat, a notation to that effect shall be made on the preliminary plat above the signature of the Chairperson and Secretary and it shall be referred to the Board of Supervisors for action. The Board of Supervisors shall act within thirty (30) days, unless mutually agreed upon by the Board and the Subdivider. If the Board of Supervisors acts favorably its action shall be noted on the plat, signed by the Chairperson, and returned to the subdivider for compliance with final plat requirements. Failure of the Board of Supervisors to act within the allotted or agreed upon time shall imply approval of the preliminary plat.

6. Conditional approval of the preliminary plat shall confer upon the applicant the following rights for a two (2) year period from the date of approval:

A. That the general terms and conditions under which the preliminary approval was granted will not be changed.

B. That the said applicant may submit on or before the expiration date the whole or some portion of said plat for final approval.

Section 502. Final Plat Procedure.

1. Before consideration of a final subdivision plat, the subdivider shall have installed the improvements required under Article VIII or the Zoning Commission shall require the posting of adequate performance bonds with the Zoning Administrator to assure the installation of the required improvements within one (1) year after final approval of the plat. See Section 804 of this ordinance for more information on performance bonds.
2. Within two (2) years from the date of the preliminary plat approval, the subdivider shall submit four (4) copies of the application form for final approval and four (4) copies of the final plat or, in the case of large subdivisions a final plat of part of the area covered by the approved preliminary plat, to the Zoning Administrator for forwarding to the County Engineer and Zoning Commission for final approval. The Zoning Administrator shall immediately refer one (1) copy of said plat to the County Engineer and two (2) copies to the Secretary of the Zoning Commission, and establish a meeting time within fourteen (14) days for the Commission. The Zoning Commission shall be assisted by the County Engineer's recommendations and shall act upon the final plat within sixty (60) days after the date of submission for final approval to the Zoning Administrator.
3. 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 or both of the following:
 - A. Installed all improvements in accordance with the requirements of these regulations, or
 - B. A performance bond, approved by the County Attorney and the County Treasurer, has been posted with the Zoning Administrator in sufficient amount to assure the completion of the required improvements within one year after final approval of the plat. The amount of the bond shall not be less one hundred ten percent (110 %) of the estimated cost of the improvement as determined by a Licensed Professional Engineer acting for the Subdivider that shall also have the approval of the County Engineer.
4. If approval is given, the Chairperson and Secretary of the Zoning Commission shall place their signatures on the plat and 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. Given a favorable recommendation by the Zoning Commission, approval by the County Board of Supervisors shall require a simple majority.
5. Failure of the Zoning Commission to act within this allotted time or a mutually agreed upon extension shall be deemed to be a favorable recommendation and the plat shall be forwarded to the Board of Supervisors for their action on the final plat.
6. If the Zoning Commission does not approve the final plat of a subdivision, the reasons shall be properly expressed to the subdivider and Board of Supervisors. The Board of Supervisors may still 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 of the entire membership of the Board of Supervisors.
7. Upon final approval by the Board of Supervisors, copies of the final plat shall be filed by the Board of Supervisors with the following:
 - A. County Zoning Commission.
 - B. Zoning Administrator.
 - C. County Engineer
8. After final approval by the Board of Supervisors, the Zoning Commission shall notify the owner or the subdivider. Within one hundred twenty (120) days after approval the subdivider shall cause said plat to be filed with the County Recording Officer of Tama 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 Tama County, Iowa, before the County shall recognize the plat as being in full force and effect.
9. No subdivision plat, resubdivision plat or street dedication within Tama 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.
10. No lots shall be sold, nor shall any building commence on any lot, nor shall any structure be moved onto 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 VI. SPECIFICATIONS FOR PLATS AND PLANS.

Section 600. Pre-Application Plans and Data. The subdivider should bring the following items to the Pre-Application meeting set forth in Section 500:

1. A Sketch Plan on a topographic survey map (if available) shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data list in Section

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601.5 and 601.6 below or such of these data as the Zoning Commission and County Engineer determines is necessary for its consideration of the proposed sketch plan.

2. A Location Map shall show the relationship of the proposed subdivision to existing community facilities that serve or influence it. Said map shall include the development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals, and churches; title; scale; north arrow; and date.

3. General subdivision information shall be included which describes or outlines the existing conditions of the site and the proposed development. The information shall serve to supplement the drawing required above and should include data on existing covenants, land characteristics, and available community facilities and utilities. It should also include information describing the subdivision proposal such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, and other public areas, proposed protective covenants and proposed utilities and street improvements.

Section 601. Preliminary Plat. The preliminary plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all of the following existing and proposed data and conditions:

1. Date, scale and north point.
2. Location of the plat by quarter, quarter section, section, town and range and any other necessary legal description to describe the boundary line of the proposed subdivision.
3. Lengths and bearing of the exterior boundaries of the land being subdivided.
4. Approximate total area of proposed subdivision.
5. Names and addresses of owners or subdivider of the tract and the Engineer or person preparing the plat and information.
6. Topographic map of the area showing contours as follows: two (2) foot intervals where slope is seven (7) percent or less; five (5) foot intervals where slope is from seven (7) to fifteen (15) percent; ten (10) foot intervals where slope is greater than fifteen (15) percent. All areas of the subdivision to be platted with a slope of greater than twenty-five (25) percent shall be clearly indicated.
7. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall, when possible, refer to established United States Geodetic Survey Datum.
8. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
9. CSR of the land to be subdivided and all adjacent lands.
10. 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.
11. Location, widths and names of all existing, platted, or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, 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.
12. Location, size and flow elevations of existing and proposed sanitary and storm sewers; location and size of water mains, culverts and other underground facilities within the area being subdivided and within three hundred (300) feet of the exterior boundaries thereof. Also to include the size and location of all existing and proposed gas lines, fire hydrants, electric, telephone and cable lines or poles and street lights.
13. The layout, 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. Streets in subdivisions shall remain the property of the Subdivision and shall not become the responsibility of the County.
14. Approximate dimensions of all lots.
15. Approximate radii of all curves and lengths of all tangents.
16. Approximate finish grades of all streets and surface drainage facilities with spot elevations given in critical areas, at every proposed street intersection and where severe cuts or fills are proposed.
17. 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.
18. Approximate location of well site and sanitary treatment facility site if community water and/or sanitary treatment facilities are being proposed, or the source of domestic water supply and type of sewage disposal.
19. A feasibility report of community water and sewerage facilities where such facilities are to be incorporated in the final plat.
20. Percolation test results, minimum of four (4) perc holes per lot, 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 Sanitarian.
21. A soil analysis obtainable from the United States Department of Agriculture, National Resource Conservation Service, when requested by the County Sanitarian or the County Engineer.
22. An electronic copy of the plans in a .dwg format, if the plans are created using electronic means.

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Section 602. Final Plat. The final plat shall be drawn on sheets no larger than twenty-two (22) inches by thirty-four (34) inches and shall be at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Zoning Commission. The Final Plat shall show the following:

1. All information required and shown on the Preliminary Plat, as required by Sections 601.1, 601.2, 601.3, 601.4, 601.5, 601.6 and 601.7 of this Ordinance.
2. The name of the subdivision, as approved by the County Auditor.
3. Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries.
4. True angles and distances to the nearest street lines or official monuments.
5. Lines of adjoining streets and alleys, with their widths and names.
6. Municipal, township, county and section lines accurately tied to the lines of the subdivision by distances and angles.
7. Radii, arcs and chords, points of tangency, central angles for all horizontal street curves and radii for all rounded corners.
8. Exact dimensions of all lots.
9. An identification system for all lots and blocks using consecutive numbers.
10. 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 or private restrictions shall be shown on the plat or correctly referenced.
11. Building setback lines as established by the Zoning Ordinance or deed restrictions.
12. Where community type water and sewerage facilities are not available; a statement that any lot sold or transferred will have a minimum width and area equal to that shown on the plat and sufficient to meet water and sewer requirements according to the Iowa Administrative Code Chapter 69.
13. Proper acknowledgments of owners and mortgages accepting said platting and restrictions.
14. When a proposed entrance of the subdivision is onto a county road the approval of the County Engineer regarding such entrance shall accompany the Final Plat. Where such control is exercised by the Iowa Department of Transportation the approval of said body shall accompany the Final Plat.
15. In all plats where private roads are to be approved, a Road Association Agreement shall be established to guarantee access to all lots, to ensure repair and maintenance of said facilities, and to provide for any necessary utility easements.
16. Certification by a Licensed Land Surveyor that the Final Plat represents a survey made by him and that monuments and markers shown thereon exist as shown.
17. A certificate from the Iowa State Board of Health that plans for the water supply system and sanitary system have been approved whenever applicable.
18. A certificate issued by the authorized County officials stating that there are no unpaid taxes or special assessments on any of the lands included in the plat.
19. 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.
20. A certificate of Approval by the Zoning Commission, the County Engineer, the County Attorney and the Board of Supervisors, which shall be placed after the approval of each.
21. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse.
22. An attorney's opinion showing that the fee title to the subdivision is free from encumbrance other than those secured by an encumbrance bond.
23. A copy of any existing encumbrance bonds.
24. A statement of restrictions that run with the land and become covenants in the deeds of lots.
25. An electronic copy of the plans in a .dwg format, if the plans are created using electronic means.

ARTICLE VII. SUBDIVISION DESIGN STANDARDS.

Section 700. Land Subject to Flooding. No land shall be approved for subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities unless the subdivider agrees to make improvements that will, in the opinion of the County Engineer, make the area completely safe for occupancy and provide adequate drainage. Land located within a flood hazard area or a floodway may be included with a plat, subject to the approval of the Board of Supervisors, if it is reserved for open space for recreation use and maintained by all owners of lots in the subdivision through an agreement, or if it is dedicated to the County as public open space for recreation or for flood control purposes.

Section 701. Soil Erosion and Sediment Control. The subdivider shall submit a letter of intent including a soil erosion and sediment control plan for the entire area of the proposed subdivision. The owner shall bear final responsibility for controlling erosion of the subdivision by such methods as seeding, sodding, earth dikes, sediment basins or other controls as deemed

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necessary. No preliminary and/or final plat will be granted approval unless it includes a soil erosion and sediment control plan. Cutting of trees and shrubbery shall be so conducted as to minimize erosion and sedimentation and preserve and improve scenic qualities. Earth movements, such as grading, topsoil removal, mineral extractions, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lade bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, water course, water regimen and topography.

Section 702. Drainage Requirements. The subdivider shall submit a letter of intent including a drainage control plan for subdivisions with natural drainage courses and waterways. Natural drainage courses and waterways within any subdivision shall be preserved. No preliminary plat shall be granted approval unless it includes a drainage control plan. Natural drainage courses and waterways within any subdivision shall be preserved in their natural state. Native vegetation shall be used to line eroding or erodable banks.

Section 703. Streets. The following are the minimum standards for streets:

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to Tama 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.
2. Where such is not shown in Comprehensive Plan, the arrangement of streets in a subdivision shall either:
 - A. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - B. Conform to a plan for the neighborhood approved or adopted by the Zoning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Minor streets shall be so laid out that their use by through traffic will be discouraged.
4. 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 non-access 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.
5. 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.
6. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the County under conditions approved by the Zoning Commission.
7. Subdivisions of four (4) or more lots shall not have individual access for each lot to an existing public road unless approved. A private road shall be required to provide access for all lots to the public road. The access of private roads to the public roads will be limited to a reasonable number. Where the private road meets the public road there will be a minimum of 750' of sight distance each direction along the public road.
8. At each point that a private road in a subdivision accesses a public road, the County Engineer may require that provisions be made for the future construction of turning lanes from the public road.
9. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
10. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
11. 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 two hundred (200) feet for minor and collector streets, and of such greater radii as the Zoning Commission shall determine for special cases.
12. 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. More than two (2) streets intersecting at the same location shall be prohibited.
13. 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.
14. Street right-of-way widths shall be as shown in the Comprehensive Plan and where not shown therein shall be not less than as follows:

Minimum Width

<u>Street Type</u>	<u>Right-of-way</u>	<u>of Roadway</u>
Arterial	100 ft	40 ft.
Collector	100 ft	40 ft.
Minor	66 ft	31 ft.
Cul-de-sac	66 ft.	31 ft.
Marginal access	60 ft	31 ft.

15. 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

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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.

16. Dead-end streets, designed to be so permanently, shall not be longer than six hundred (600) feet except where the Zoning Commission has approved a maximum length not to exceed one thousand (1000) 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.

17. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the 911 Board.

18. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

<u>Street Type</u>	<u>Percent Grade</u>
Arterial	6%
Collector	8%
Minor	10%
Cul-de-sac	10%
Marginal Access	8%

19. No street grade shall be less than 0.5% where drainage is carried within the traveled roadway.

20. The subdivider shall grade and improve all streets and alleys (if any) within the subdivision; such grading and improvement shall be provided to the full width of right-of-way.

21. The roadway shall be compacted to ninety (90) percent of proctor density.

22. The surfacing of streets and alleys shall be of such character as is suitable for the expected traffic, but in no case shall it consist of less than four (4) inches of gravel surfacing. Where pavement is necessary or desirable, it shall consist of a minimum of four (4) inches of asphalt on a suitable base, as determined by the County Engineer, or six (6) inches of concrete having a minimum 28-day compressive strength of 4,000 psi. The County Engineer may increase these minimum requirements if the nature of the development warrants it.

23. All streets shall be sodded or seeded with grass in a manner that shall provide suitable protection from erosion over that area lying between the right-of-way lines and the edge of the traveled (surfaced) portion of the roadway.

24. Adequate provisions for the collection and disposal of surface and storm water shall be provided within the street right-of-way in accordance with Federal regulations.

25. Street profiles and the necessary drainage plans to serve the area shall be determined and designed by a Licensed Professional Engineer for the subdivider. All construction of such facilities shall be in accordance with such profiles and plans and shall be subject to the recommendations, supervision and approval of the County Engineer

Section 704. Alleys. The following are the minimum standards for alleys:

1. 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.

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

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

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

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

Section 705. Easements. The following easements shall be required:

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be not less than ten (10) feet in width on each side of all rear lot lines and side lot lines where necessary for poles, wires, conduits, storm sewer and sanitary sewers, gas, water and heat mains. Greater width easements may be required in some cases.

2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith. If it is deemed advisable by the Zoning Commission or the County Engineer, such watercourse or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as designed and established by a Licensed Professional Engineer for the subdivider.

Section 706. Blocks. Blocks shall adhere to the following guidelines:

1. The lengths, widths and shapes of blocks shall be determined with due regard to:

A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

B. Zoning requirements as to lot sizes and dimensions.

C. Needs for convenient access, circulation, control and safety of street traffic.

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- D. Limitations and opportunities of topography and other natural features.
2. Block lengths shall not exceed one thousand four hundred (1,400) feet, nor be less than five hundred (500) feet.
3. Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping center, transportation, and other community facilities.

Section 707. Lots. 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 analyses specified in Section 601.19 and 601.20 of this Ordinance.

1. 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.
2. The subdividing of the land shall be such as to provide, by means of a public or private street, each lot with satisfactory access to an existing public street.
3. 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.
4. 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.
5. 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.
6. Corner lots for residential use shall have additional width to permit appropriate building set back from an orientation to both streets.

Section 708. Public Sites and Open Spaces.

1. 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 for a period of one and one-half (1½) years, in those cases in which the Zoning Commission deems such requirement to be reasonable.
2. 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.

Section 709. Utilities.

1. The source of domestic water supply and type of sewage disposal shall accompany each plat for the information of the Zoning Commission, the County Engineer, County Sanitarian and the Board of Supervisors.
2. If an existing public water supply system is available within one (1) mile, then the subdivider shall provide the subdivision with water from that public water supply system. If the proposed subdivision is greater than one (1) mile from an existing system, or the governing body of the system denies access, the subdivider shall construct such a system. For subdivisions of eight (8) or more platted lots, a central (public) water system must be planned for the subdivision. The well must be permitted by the Iowa Department of Natural Resources, and must conform to all applicable rules and regulations of the IDNR. For subdivisions of less than eight (8) lots, a central private water system must be provided. Such a system shall conform to all applicable state and county rules on water systems. No subdivision shall be approved until and unless the proposed system for providing water has been approved by the County Sanitarian.
3. If an existing public sanitary sewer system is available within one (1) mile, the subdivider shall connect to the existing system. If the proposed subdivision is greater than one (1) mile from an existing system or the governing body of the system denies access, the subdivider may construct such a system.

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ARTICLE VIII. REQUIRED IMPROVEMENTS.

Section 800. Responsibilities. The subdivider shall, at their own expense, install, construct and maintain any improvements required by this ordinance. In no case shall Tama County own, operate or maintain the improvements required in this ordinance unless said improvement is specifically identified and accepted as being dedicated to the public. 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 final plat.

Section 801. Monuments. Durable iron monuments shall be placed as required in Section 602.15 at all property and block corners, all intermediate points on property lines and blocks where there is a change in the direction of the line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the County Engineer.

Section 802. Street Construction. All streets shall be constructed to meet the requirements of Article VII, Subdivision Design Standards, prior to acceptance of the Final Plat. Staged construction of an asphaltic surface may be allowed, but in no case shall acceptance be granted until the surface has a minimum of two (2) inches of asphalt. Performance bonds in the amount of the remaining improvement will be required.

Section 804. Utilities. All utilities indicated on the Preliminary Plat shall be installed prior to acceptance of the Final Plat.

Section 804. Performance Bonds. The Final Plat shall not be approved until the plans and specification 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 shall post a bond approved by the County Attorney and County Treasurer, which bond will insure to the county that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond shall not be less than one hundred ten percent (110%) of the estimated cost of the improvement as determined by a Licensed Professional Engineer acting for the subdivider and approved by the County Engineer.

Section 805. Inspection. All improvements shall be inspected to ensure compliance with the Final Plat. The Board of Supervisors shall appoint and set the wage of the inspector. The cost of such inspection shall be borne by the subdivider.

ARTICLE IX. VARIANCES.

Section 900. Hardship. Where the Zoning Commission finds that extraordinary hardship 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 nor this Ordinance. The inability of the subdivider to maximize profit shall not be considered a hardship.

Section 901. Large-Scale Development. 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, 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 Comprehensive Plan.

Section 902. Conditions. 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 X. AMENDMENTS.

Section 1000. 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 in the newspapers of Tama County no less than four (4) days and no greater than twenty (20) days prior to such hearing, according to Iowa Code Section 331.305.

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ARTICLE XI. CONFLICT AND VALIDITY.

Section 1100. Conflict. Wherever the requirements of this Ordinance are at variance with requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standard shall govern.

Section 1101. Validity. Should any section, sentence, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.

ARTICLE XII. PENALTIES.

Section 1200. Penalty Amount. A violation of any regulation of this ordinance is a County infraction as specified in Iowa Code Section 331.307, and all subsequent amendments and revisions thereto. The penalties shall be all those available under Iowa Code Section 331.302 (15), and all subsequent amendments and revisions thereto.

ARTICLE XIII. APPEALS.

Section 1300. Appeals. Any appeal of the Board of Supervisor's decision shall be made to the district court in accordance with Iowa Code Section 354.10 and shall be perfected within twenty (20) days as prescribed by that Section.

ARTICLE XIV. ENACTMENT AND EFFECTIVE DATE.

Section 1400. Effective Date. This Ordinance shall be in full force and effect from and after its passage, adoption, as proved by law.

Passed this 19th day of August, 2003.

Keith Sash, Chairman
Jim Ledvina, Vice Chair
Larry Vest, Supervisor

Attest: John A. Adams, Tama County Auditor