

HANCOCK COUNTY ORDINANCE NO. 10

Title: An ordinance regulating the development of subdivisions.

ARTICLE I

GENERAL PROVISIONS

1. SHORT TITLE. This ordinance may be known and cited as the "Subdivision Ordinance of Hancock County, Iowa."

2. PURPOSE. It is deemed essential to establish minimum standards for the design and development of new subdivisions to improve the health, safety and general welfare of the public, to protect existing developments and to assure new developments make adequate provision for public utilities and other public requirements.

3. APPLICABILITY. This Ordinance shall govern the subdivision of all property within unincorporated areas of the County, except that any Agricultural District established under the Zoning Ordinance which is subdivided for the purpose of continuing and maintaining agricultural pursuits including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, fish farm, animal and poultry husbandry or any other permitted use within an Agricultural District shall be exempt from all subdivision regulations stated herein. Re-subdivisions for non-agricultural pursuits will not be granted an agricultural exemption. These requirements are in addition to any other requirements under federal, state or local law, particularly those contained in Iowa Code Chapter 354.

4. ENFORCEMENT. This Ordinance shall be enforced by the Zoning Administrator.

4.1 No plat or subdivision shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this Ordinance and has been approved by the Board as prescribed herein.

4.2 County Road Fund or any other County money shall not be expended for improvements or maintenance of any street dedicated for public use until said street has been accepted as a public highway and added to the County's Secondary Road System. Streets of a subdivision not accepted by the Board as public highways are private roads.

4.3 No zoning compliance permit required by the zoning ordinance shall be issued until all improvements required by this Ordinance have been made in accordance with County plans and specifications and accepted by the Board.

4.4 No lot shall be offered for sale or lease prior to plat approval and recording.

4.5 Failure to abide by the provisions of this Ordinance shall subject violators to all legal remedies available to the County.

5. VARIANCES. A request for variance from the requirements of this Ordinance shall be made at the time the preliminary plat is submitted. Requests must be submitted in writing and must specifically state the requirement of the Ordinance the subdivider wishes to vary from as well as the proposed manner in which the requirement would be varied. The request shall also include a factual basis demonstrating eligibility for consideration for a variance.

The Commission may recommend to the Board that a variance be granted if necessary to permit the reasonable development of the land while preserving the intent of this Ordinance. In order to recommend or approve a variance, the Commission and Board shall make a finding that all of the following circumstances exist:

- 5.1 exceptional or extraordinary circumstances or conditions exist with respect to the property or to the intended use of the property that do not apply generally to other subdivisions;
- 5.2 the alleged difficulty or hardship has not resulted from the actions of the applicant;
- 5.3 a variance is necessary for the preservation and enjoyment of the property and of property rights possessed by the owners of other properties in the area;
- 5.4 a variance will not be of substantial detriment to adjacent property and will be in keeping with the spirit and intent of this Ordinance and public interest;
- 5.5 the condition, situation or intended use of the property is not so general or recurrent in nature as to make it practicable to formulate a general regulation to cover such cases;
- 5.6 strict enforcement of this ordinance would result in undue hardship, not mere inconvenience;
and
- 5.7 the variance would not contravene any other statute, ordinance, regulation or rule.

Approval or denial of the variance request will be issued within the time provided for response to the preliminary plat.

6. AMENDMENTS. These regulations may be changed and amended by recommendation of the Commission and approval of the Board following public hearing. Notice of public hearing on amendments shall be provided by publication no later than fifteen (15) days prior to the date set for hearing. The amendment shall become effective following adoption and publication as required by law.

7. FEES. Fees required by this ordinance shall be adopted by the Board by resolution.

8. VALIDITY. Should any section or provision of this Ordinance be declared invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

9. EFFECTIVE DATE. This Ordinance shall be in effect following adoption and publication as required by law.

ARTICLE II

DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this ordinance. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; and the word “may” is permissive; and the word “shall” is mandatory and not discretionary.

1. ALLEY. A public right-of-way primarily designed to serve as secondary access to the side or rear of properties whose principal frontage is on some other street.
2. AUDITOR. The person serving as the Hancock County Auditor. Such reference includes any designee of the Hancock County Auditor.
3. BOARD. The Hancock County Board of Supervisors.
4. BLOCK. Any combination of land ownership bounded by streets, roads, highways, public parks, cemeteries, railroad right-of-way, streams, lakes or similar man-made or natural barriers.
5. BUILDING SETBACK LINE. Line indicating the required setbacks for buildings.
6. COMMISSION. The Hancock County Planning and Zoning Commission.
7. COLLECTOR STREET. A street carrying traffic from minor streets to the major system of arterial streets, including principal entrance streets of residential development and streets for circulation within such a development.
8. COUNTY. Hancock County, Iowa.
9. COUNTY ENGINEER. The person serving as the Hancock County Engineer. Such reference includes any designee of the Hancock County Engineer.
10. CUL-DE-SAC. A street having one (1) end open to traffic and being permanently terminated at the other end, usually with a circular turn around drive.
11. EASEMENT. A grant for use of land by the public, individuals, groups or entities for a specific purpose.
12. ENGINEER. An engineer licensed to practice civil engineering in the State of Iowa.
13. FRONTAGE. The side of a lot abutting a street or way and ordinarily regarded as the front of a lot, but not considered as the ordinary side of a corner lot.
14. GRADE. The slope of a road, street or other public right-of-way, specified in percentage terms.
15. HALF STREET. A street platted on the exterior border of a subdivision in which only half of the right-of-way is platted within the proposed subdivision.
16. LOT. A land parcel of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide required yards and other open spaces.
17. MAJOR THOROUGHFARE. A street used primarily for large volume, higher speed traffic.

18. METES AND BOUNDS DESCRIPTION. A land description using distances and angles, distances and bearings, or reference to physical features of the land.
19. MINOR STREET. A street used primarily for access to abutting properties.
20. MUNICIPALITY. An incorporated governmental area within the County.
21. PERFORMANCE BOND. A surety bond or cash deposit made in the name of the County in an amount equal to the full cost estimated by the County Engineer as necessary to construct sub-division improvements in accordance with this Ordinance.
22. PLAT. A map, drawing or chart setting forth the plan of the subdivision's development.
23. RECORDER. The person serving as the Hancock County Recorder. Such reference includes any designee of the Hancock County Recorder.
24. RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or any special use. The right-of-way is separate and distinct from adjoining lots or parcels and not included within the dimensions or areas of such lots or parcels.
25. SANITARIAN. The person serving as the Hancock County Sanitarian. Such reference includes any designee of the Hancock County Sanitarian.
26. STREET. The portion of a street available for vehicular traffic. In areas in which curbs adjoin the portion of the street available for vehicular traffic, the curbs constitute part of the street.
27. SUBDIVISION. The division of a tract or parcel of land into two (2) or more lots, tracts or parcels for immediate or future development. "Subdivision" includes re-subdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land which has been subdivided.
28. SUBDIVIDER. Any person who directly or indirectly causes land to be divided into a subdivision; sells, leases, develops or offers to sell, lease, develop or advertises for sale, lease or development any interest, lot parcel, site, unit or plat in a subdivision; engages through an agent in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision; or is controlled by or under common control with any of the foregoing.
29. SURVEYOR. A surveyor licensed to practice surveying in the State of Iowa.
30. TREASURER. The person serving as the Hancock County Treasurer. Such reference includes any designee of the Hancock County Treasurer.

ARTICLE III

PROCEDURES FOR APPROVAL

1. PRE-APPLICATION. Prior to the subdivision of any land the subdivider or his agent shall meet with the Commission to present the subdivision proposal. Said proposal shall specifically include the anticipated actions necessary to come into compliance with this Ordinance and the Zoning Ordinance, as well as production of all planning documents. Any proposal containing lots to be served by private wells or septic tanks must contain evidence that the proposed lot sizes and the results of the soil percolation tests have been approved by the Sanitarian.

2. PRELIMINARY PLAT APPROVAL.

2.1 Following successful pre-application, the subdivider shall prepare and file with the Zoning Administrator eight (8) copies of the preliminary plat. The preliminary plat shall fully comply with the requirements set forth in this Ordinance, specifically those enumerated in Article III.

2.2 The Zoning Administrator shall forward two (2) copies of the preliminary plat to the Board, five (5) copies to the Commission, one (1) copy to the County Engineer and one (1) copy to any municipality within two (2) miles of the proposed subdivision.

2.3 A municipality within two (2) miles of the proposed subdivision shall have thirty (30) days to review the preliminary plat and submit written comments to the Commission. Comments from the municipality are not binding on the Commission.

2.4 The Commission shall study the preliminary plat and accompanying material for conformity. The Commission may confer with the subdivider on changes deemed advisable and the nature and extent of improvements to be made by the sub-divider.

2.5 The Commission shall notify adjacent property owners of the proposal by registered mail. A public hearing shall be held if requested by a citizen, notice of which shall be given by publication.

2.6 The Commission shall conclude its study of the preliminary plat and shall approve or disapprove the preliminary plat within sixty day of receiving the preliminary plat. If the Commission does not act within the time prescribed, the preliminary plat shall be deemed to be approved, unless the subdivider has consented to an extension not to exceed sixty (60) days. The Commission's approval of a preliminary plat is revocable, and does not authorize commencement of construction of improvements within the subdivision.

2.7 Following approval of the preliminary plat, the subdivider may prepare the final plat and detailed construction drawings and specifications of improvements.

3. FINAL PLAT APPROVAL.

3.1 Following approval of the preliminary plat, the subdivider shall prepare and file with the Zoning Administrator eight (8) copies of the final plat. The preliminary plat shall fully comply with the requirements set forth in this Ordinance.

3.2 The Zoning Administrator shall forward two (2) copies of the final plat to the Board, five (5) copies to the Commission, one (1) copy to the County Engineer and one (1) copy to any municipality

within two (2) miles of the proposed subdivision that has enacted its own subdivision ordinance or regulations.

3.2 A municipality within two (2) miles of the proposed subdivision that has enacted its own subdivision ordinance or regulations shall have thirty (30) days to review the final plat and submit written comments to the Commission. Comments from the municipality are not binding on the Commission.

3.3 The Commission shall consider the final plat and accompanying material for conformity. The Commission shall conclude its study of the final plat and vote on its recommendation to approve or disapprove the final plat within sixty days of receiving the final plat.

3.4 The Commission shall forthwith submit their recommendation to the Board, along with a certified copy of the Commission's resolution reflecting the action taken on the final plat.

3.5 The Board shall consider the final plat and accompanying material for conformity. If in conformity, the Board may approve the final plat by resolution. Such approval constitutes final approval of the platting. Copies of the resolution and the plat shall be maintained by the Zoning Administrator. An approved final plat shall be filed with the Treasurer and recorded with the Recorder by either the subdivider or owner. If the Board does not approve the final plat, the Board shall issue a written list of objections to the proposed plat.

ARTICLE IV

PRELIMINARY PLAT DATA

The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to provide a map with sufficient detail to enable the Commission to determine whether the proposed layout furthers the public interest and the County Land Use Plan.

1. SCALE OF PLAT. The scale of the map shall be one hundred (100) feet to one (1) inch. An alternate scale may be used only if prior written approval is obtained from the Commission and the Recorder.

2. CONTENTS OF PRELIMINARY PLAT. In addition to any requirements contained in Iowa Code Chapter 354, a preliminary plat shall include:

- A. name of the subdivision;
- B. date the plat was prepared;
- C. point of compass/north scale;
- D. scale and bar scale on each plat sheet;
- E. legal description;
- F. acreage of the property being platted;
- G. name and address of the owner and subdivider;
- H. name and address of the engineer and/or land surveyor;
- I. existing buildings, railroads, underground utilities, easements and rights-of-ways;
- J. location, name and width of all existing and proposed streets and alleys in or adjoining the area being subdivided;
- K. location and name of adjoining subdivisions, and the name and address of adjoining land owners;
- L. proposed lot lines and dimensions, including square-foot area of non-rectangular lots;
- M. proposed location and dimensions of areas dedicated for public use, such as schools, parks and playgrounds, including alternate uses if the Board declines to accept dedication for public use;
- N. contour lines at intervals of not more than five (5) feet;
- O. building setback lines in compliance with the Zoning Ordinance;
- P. boundaries of the proposed subdivision indicated by a heavy line;
- Q. existing and proposed zoning classification of the area;
- R. proposed utility service, including location, easement limitations and size/capacity of:

1. water supply source;
2. sewage disposal; and
3. storm water drainage, including storm sewers, ditches, culverts, bridges and other structures.

S. vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings;

T. proposed lot numbers;

U. typical cross-section of the proposed streets showing the street location, type and width of surfacing, the type of drainage and other improvements;

V. proposed easements;

W. corner radii; and

X. certification and seal of a licensed engineer.

3. ACCOMPANYING MATERIAL. The following items shall be submitted with the preliminary plat:

A. results of soil percolation tests, if the subdivision cannot reasonably be served by public sewer;

B. restrictions to be included in the owner's dedication of the plat;

C. written statements indicating the availability of gas and electricity to the subdivision;

D. soil map indicating suitability rating of each type for proposed use, flood plains and wetlands;

E. certification from the Iowa State Archaeologist that no archaeological sites protected by state or federal law are located in the subdivision;

F. written statement of the subdivider setting forth the proposed timeline to commence and complete all required improvements, including the inspection and approval by the County Engineer;

G. requests for variances, including the specific regulation the subdivider seeks to vary from, and the factual basis for the allegation that compliance with the ordinance would cause substantial hardship or impose unreasonable restrictions on development as required under Article I, section 5; and

H. the appropriate filing fee.

ARTICLE V

FINAL PLAT DATA

1. SCALE. The scale of the map shall be one hundred (100) feet to one (1) inch on paper 8.5 inches by 14 inches in dimension. An alternate scale may be used only if prior written approval is obtained from the Commission and the Recorder.

2. CONTENTS OF FINAL PLAT. The final plat shall include:

- A. all items required to be contained in the preliminary plat;
- B. boundary lines with dimensions and angles providing a survey of the tract, closing with an error on boundaries of not more than one (1) foot in ten thousand (10,000) feet, and of individual lots of not more than one (1) foot in five thousand (5,000) feet., and with distances measured to the nearest one hundredth foot;
- C. references to known or permanent monuments, giving the bearing and distance from a corner of a congressional division of the County of which the subdivision is a part;
- D. location of existing and recorded streets intersecting the boundaries of the tract;
- E. metes and bounds description of the boundary;
- F. complete curve notes for all curves included in the plat;
- G. street right-of-way lines with dimensions measured to the nearest one hundredth foot with angles to right-of-way lines and lot lines;
- H. location, type, material and size of all monuments and markers;
- I. certification by a licensed land surveyor;
- J. reference to the North American Datum of 1988 (NAD88) if coordinate data is used; and
- K. elevations referenced to the North American Vertical Datum of 1988 (NAVD).

3. ACCOMPANYING MATERIAL. The following items shall be submitted with the final plat:

- A. plan and profiles of all streets, alleys, sanitary sewers, storm sewers and water lines at fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size and grade of all conduits, sanitary and storm sewers, pipe lines, utility lines, etc. Profiles shall be drawn so that north will be oriented to the top or to the left side of the drawing;
- B. protective covenants or restrictions to be imposed upon the plat;
- C. dedication to the County for all areas intended as public streets or for public use; and
- D. the following certificates:

1. from the owner and the owner's spouse, if any, that the subdivision is with their free consent and is in accordance with their desires, said certificate signed and acknowledged before a person authorized to take the acknowledgments of deeds;
2. from the Treasurer that the subdivision land is not subject to unpaid or delinquent taxes (This certificate can be signed at time of plat filing.);
3. from the Recorder that there is no record in said office of judgments, attachments, mechanics or other liens against the subdivision property (This certificate can be signed at time of plat filing.);
4. from the owner and subdivider that all improvements required by this Ordinance will be made or installed in accordance with County specifications;
5. drainage plans for the removal of storm water or storage area of storm water;
6. soil erosion contingency plan during development of subdivision for the protection of the subdivision and surrounding areas, including drainage for roads within the subdivision and roads connected to the subdivision; and
7. two copies of a title examination and opinion showing fee title to the subdivision property in the owner as shown on the plat, said opinion indicating encumbrances or title flaws that may exist against said land.

ARTICLE VI

DESIGN STANDARDS

The standards and details of design herein are minimum requirements; however, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions to ensure an economical, pleasant and durable neighborhood.

1. STREETS.

A. COMPREHENSIVE PLAN. All proposed plats and subdivisions shall conform to the Hancock County Land Use Policy Plan and to street plans as set out by the County.

B. CONTINUATION OF EXISTING OR PLANNED STREET. Proposed streets shall continue or complete existing streets in similar alignment and at equal or greater width than the existing street, but not less than sixty-six (66) feet in width. For purposes of this section, "existing street" includes a street that is constructed, a street which has been dedicated and recorded or a street which has been approved as part of a preliminary plan.

C. CIRCULATION. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares and un-subdivided land as required by the Commission. In the event a street is planned to extend beyond the plat at a future date, an interim turnaround shall be required.

D. STREET INTERSECTIONS. Street intersections shall be as nearly at right angles as possible.

E. CUL-DE-SAC. A street ending in a cul-de-sac shall be no longer than six hundred (600) feet, and at least sixty-six (66) feet in width. The diameter of the terminating end shall be at least one hundred twenty (120) feet in residential subdivisions.

F. STREET NAMES. Streets shall be named in a manner conforming to the prevailing street naming system. A street in obvious alignment with existing streets, although the various portions be at a considerable distance from each other, shall bear the same name. Names of streets are subject to approval by the Commission to avoid duplication or similarity. The subdivider shall bear the expense of street signage, which must be approved as outlined in the E-911 rules and regulations.

G. PHYSICAL AND CULTURAL FEATURES. Streets shall be platted with appropriate regard for topography, water, wooded areas and other natural features which lend themselves to attractive treatment.

H. HALF-STREETS. Dedication of half streets will not be permitted unless deemed necessary by the Commission to complete existing or platted half streets or alleys adjoining the subdivision.

I. ALLEYS. Alleys may be platted in business and industrial subdivisions for access, off-street parking and loading. Unless justified by extraordinary conditions, alleys will not be approved in residential districts.

J. NEIGHBORHOOD PLAN. If an overall plan has been adopted by the Commission for the neighborhood in which the subdivision is located, the street system of the subdivision shall be consistent with the plan.

K. LAND NOT PLATTED. If the plat includes only part of a tract owned by the subdivider, the Commission may require topography and a sketch of a future street system of the un-subdivided portion.

L. MAJOR THOROUGHFARES. If a subdivision frontages on a major thoroughfare, the subdivision street layout shall provide motor access to said thoroughfare in one of the following manners:

1. A street parallel to the major thoroughfare which provides frontage for lots backing onto the major thoroughfare.
2. A street parallel to the major thoroughfare which provides a series of cul-de-sacs or short loops entered from such a parallel street, with the cul-de-sacs' terminal lots backing onto the major thoroughfare.
3. An access drive separated from the highway by a planting strip. Motor access from the drive to the major thoroughfare shall be suitably spaced.
4. A service drive or alley at the rear of the lots.

If any of the above-mentioned arrangements is used, deed covenants or other means shall prevent private residential driveways from having direct access to the major thoroughfare.

M. MAINTENANCE. A dedication to the County shall be given for all streets before the streets will be maintained by the County.

N. RAILROADS. If a subdivision includes a railroad, the plat shall:

1. Permit future grade separation at railroad crossings;
2. Either border the railroad with a parallel street to permit deep lots back onto the railroad or form a buffer strip for park, commercial, or industrial use; and
3. provide cul-de-sacs at right angles to the railroad to permit lots to back onto the railroad.

O. GRADE. Streets and alleys shall be completed to grades approved by the County Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven (7) percent for main and secondary thoroughfares, or ten (10) percent for minor or local service streets. Changes in grade for major roads shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grade expressed in feet per hundred, but in no event less than three hundred (300) feet in length. Changes in grade for secondary and minor streets shall be connected by vertical curves of a minimum length equivalent to fifteen (15) times the algebraic difference between the rates of grade expressed in feet per hundred, but in no event less than two hundred (200) feet. A greater minimum length may be required if deemed necessary by the County Engineer. The grade alignment and resultant visibility shall be approved by the County Engineer.

P. RIGHT-OF-WAY WIDTH. Minimum rights-of-way widths shall be:

- for thoroughfares, one hundred twenty (120) feet;
- for collector streets, between sixty-six (66) and one hundred twenty feet, depending on potential traffic burden and cross-section;
- for residential or minor streets, sixty-six (66) feet;

for cul-de-sacs, one hundred twenty (120) feet in diameter; and
for alleys, twenty (20) feet.

Q. OTHER CONSIDERATIONS.

1. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
2. Street jogs of less than two hundred (200) feet shall be avoided.
3. No dead-end streets or alleys will be permitted except at subdivision boundaries.
4. Thoroughfare and collector streets within the subdivision shall extend to the boundaries of the subdivision.
5. Intersection of more than two streets at a point shall not be permitted.

2. EASEMENTS.

A. Easements of at least seven and one-half (7-1/2) feet in width shall be provided along each rear lot lines, and along such other lot lines as may be required for utilities.

B. Easements of greater width may be required for trunk lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or the Board.

C. Utility easements shall convey to the County, its successors and assigns, the perpetual right to construct, reconstruct, operate and maintain electric lines, including poles, wires, cables, conduits, fixtures, anchors and other equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four (4) feet from the equipment, and to convey to any other individual, company or entity, the right to use separately or jointly with the County, the areas included in the easement for such purposes.

D. If a stream or other significant surface water course is located in the subdivision, the subdivider shall provide adequate drainage for runoff water to prevent damage to surrounding lands. The subdivider shall grant an easement to the County along each side of the waterway for utility installation and for maintenance and necessary straightening or relocation of the waterway. The easement shall encompass the width of the waterway plus a minimum of twenty (20) feet on each side of the normal high water elevation of the waterway.

E. The subdivider shall provide adequate drainage for runoff water that is created as the result of development.

3. BLOCKS.

A. No block shall be longer than one thousand three hundred twenty (1320) feet.

B. Crosswalks may be required in blocks longer than seven hundred (700) feet and in areas where curved streets would require excessive inconvenience.

C. Crosswalks shall not be less than four (4) feet wide.

4. LOTS.

A. Corner lots shall have a minimum width that will permit compliance with building setbacks on both front and side streets.

B. Double frontage lots, other than corner lots, shall be prohibited unless such lots back onto a major street or highway or unless the lots are for large commercial or industrial purposes.

C. Each lot shall be provided access to a public street.

D. Each lot shall be provided with at least fifty (50) feet of access frontage to a public street;

E. No lot shall be less in size or shape than that required to provide an adequate building site in compliance with the Zoning Ordinance.

F. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:

1. Lots which cannot be reasonably served by an existing public sanitary sewer system or public water mains shall have a minimum width of one hundred (100) feet, and an area of not less than twenty thousand (20,000) square feet, or the minimum width and square footage permitted by the Zoning Ordinance, whichever is greater.

2. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water main shall have a minimum width of eighty (80) feet and an area of not less than ten thousand (10,000) square feet, or the minimum width and square footage permitted by the zoning ordinance, whichever is greater.

3. The Sanitarian may require additional minimum standards based on local conditions including the rate of soil percolation.

G. Side lot lines shall be at right angles or radial to the street lines. Unless made impracticable by topography, lot lines shall be straight.

5. MONUMENTS.

A. Iron pin or pipe monuments at least twenty-four (24) inches long and three-fourths (3/4) of an inch in diameter or suitable concrete markers shall be placed at all boundary corners of the plat and all points on boundary lines where there is a change of direction and at all lot corners.

B. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa license number of the surveyor to the top of the monument.

C. All monuments shall be capable of detection by commonly used magnetic or electronic equipment.

ARTICLE VII

APPROVAL OF IMPROVEMENTS

1. PLANS AND SPECIFICATIONS.

1.1 Plans and specifications for all required improvements shall be submitted to the Board for approval prior to construction, and construction shall not be started until plans and specs have been approved. The type of construction, materials, methods and standards of subdivision improvements shall be equal to the current specifications of the County for like work. Plans shall contain the certification and seal of a licensed engineer.

1.2 All plans, specifications, installation and construction shall be subject to inspection, review and approval by the County Engineer. The subdivider shall provide the County Engineer with a construction schedule prior to commencement of any construction.

1.3 Improvements will be approved only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the County. If a performance bond is posted, such bond shall be subject to review by the County Attorney; shall specifically assure the expedient installation and completion of all improvements within the specified construction time period; and shall indemnify the County from any and all costs or losses of the development and construction.

2. WARRANTY. The subdivider shall warrant the design, material and workmanship of improvements, installation and/or construction for a period of two (2) years from completion. Such warrant shall be by bond or other acceptable collateral; shall be subject to review by the County Attorney; shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the County from any and all costs or losses resulting from or contributed to defective improvements.

3. INSPECTION. The subdivider shall have improvements inspected at appropriate phases of development to assure that construction is proceeding in accordance with the plans and in compliance with this ordinance. The County shall be provided with documentation of these inspections. All improvements shall also be subject to inspection by the County Engineer at the expense of the subdivider. Upon receipt of the construction schedule from the subdivider, the County Engineer will prepare a listing of phases of improvement that he wishes to inspect. This listing shall be provided to the subdivider, who shall thereafter notify the County Engineer at least twenty-four (24) hours in advance of readiness for the requested inspections. The listing provided to the subdivider in no way limits the County's ability to inspect all improvements, it merely imposes a notification requirement upon the subdivider for some improvement phases. Following inspections, the County Engineer shall report to the Board to advise if all improvements meet County specifications, ordinances and requirements, as well as agreements between the subdivider and the County.

4. ACCEPTANCE. If all improvements are in compliance, the Board may accept said improvements, the final plat and street dedication, by resolution. All improvements within areas dedicated to the County shall, upon their completion, inspection, approval and acceptance by the County, become the property of the County.

5. RESUBDIVISIONS. The Board may waive the requirements for the construction and installation of some or all of the improvements enumerated in Article VIII in case of re-subdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

ARTICLE VIII

REQUIRED IMPROVEMENTS

The following improvements are required at the expense of the subdivider:

1. GRADING. The grade of areas to be dedicated for public use must be approved by the Board upon recommendation of the County Engineer, prior to any paving in those areas.
2. SANITARY SEWERS. The subdivider shall provide a complete sanitary sewer system. If, in the opinion of the Board, the public sanitary sewer system is reasonably accessible or available to the subdivision, the subdivider shall construct a subdivision sewer system to adequately serve all lots and connect shall connect the subdivision system to the public system with a size of line approved by the Board. If a private sewage system is proposed, the subdivider shall furnish evidence that such facilities have been approved by an engineer. If lots in the area of the proposed plat cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes for individual septic tanks and disposal fields from the County Engineer and the County Sanitarian.
3. STORM DRAINS. The subdivider shall provide the subdivision with drains, ditches, culverts, bridges, storm sewers, intakes and manholes to provide adequate collection and removal of surface waters. These improvements shall extend to the boundaries of the subdivision so as to provide for extension to adjoining properties. Storm sewers shall have a minimum diameter of eighteen (18) inches, unless a larger diameter is required by the drainage area demands. Storm sewers shall be located on the low side of the street, well outside of the curb and street.
4. WATER. If, in the opinion of the Board, a municipal water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system, including appropriately spaced fire hydrants, valves and other appurtenances to be connected to the municipal water supply and designed according to specifications of the city. If a municipal water supply is available, water mains shall have a minimum diameter of four (4) inches, except for feeder mains which shall have a minimum diameter of six (6) inches. If, in the opinion of the Board, a municipal water supply is not reasonably accessible or available, the subdivider shall either contract with rural water districts for availability and engineering standards to be followed, or construct wells for each lot. Wells shall be approved by the County Sanitarian and the Board. Water mains shall be located on the high side of the street at least two (2) feet outside of the curb or traveled street, with a minimum cover of six (6) feet.
5. CURB AND GUTTER. The subdivider shall install curb and gutter on all streets being dedicated for public use, unless such a measure is deemed unnecessary by the Board. Curb and gutter shall be constructed of Portland cement concrete in accordance with design, specification and grades as approved by the Board.
6. SURFACING. The subdivider shall surface all streets being dedicated for public use. Surfacing shall be constructed of seven (7) inches of Portland cement concrete or eight (8) inches of asphalt concrete over a prepared sub-grade and shall be constructed in accordance with design, specification grades, widths and thicknesses approved by the Board. The minimum paving width shall be twenty-eight (28) feet exclusive of curbs.
7. SIDEWALKS. The subdivider shall provide a four (4) foot wide, four (4) inch thick concrete sidewalk along each lot frontage where deemed necessary by the Commission. Such walk need not be constructed prior to the occupancy of a structure on a lot.
8. STREET SIGNS. Street signs shall be required at all intersections and shall meet the specifications adopted by the County Engineer.

9. GAS MAINS. Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or street line.

10. UTILITIES.

10.1 The Board or Commission may require that utility lines, except electric lines of nominal voltage in excess of fifteen thousand (15,000) volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easement provided in the rear of the lots. In determining whether underground utilities should be required, the Board or Commission may consider soil, topographical and other conditions that make such installations unreasonable or impractical.

10.2 Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in a street right-of-way, the following requirements shall apply:

A. After grading is completed and approved, but before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be installed and approved for the entire of that street and across the **flat section**. If the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections provided that if future service connections are needed, **they may be jacked across the street** without breaking or weakening existing pavement;

B. If rock is known to exist beneath the pavement area at such depth as to interfere with the jacking service connections, the complete installation of service connections shall be required before any pavement base is applied. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

11. AS BUILT DRAWINGS. The subdivider shall furnish the County with a complete set of as-built drawings upon the completion of all improvements. In the event an improvement does not vary from the approved plans, the subdivider shall furnish the County with an affidavit of a licensed engineer so certifying, to be filed prior to acceptance of the final plat and of improvements for maintenance.

ARTICLE IX

PARK AND OPEN SPACE DEDICATION AND PUBLIC AREA REGULATIONS

1. Public open spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions. Such areas shall be shown on the preliminary plat. The Board shall not approve a site that is undesirable for public or civic uses.
2. Natural features, historic sites and similar community assets shall be preserved.
3. Proposed park sites shall be reserved for three (3) years, giving the public the option to purchase at a price established by a certified appraiser as the value of the unimproved land prior to subdivision. The purchase price shall also include one-half (1/2) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site and one-half (1/2) the taxes paid by the subdivider between the date of reservation and the date of purchase. Should the park sites not be purchased within three (3) years, the subdivider may then sell the sites for alternate purposes shown on the preliminary subdivision plat.
4. Proposed school sites shall be reserved for four (4) years, giving the public the option to purchase at a price established by a certified appraiser as the value of the unimproved land prior to subdivision. The purchase price shall also include one-half (1/2) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site and one-half (1/2) the taxes paid by the subdivider between the date of reservation and the date of purchase. Should a school site not be purchased within four (4) years, the subdivider may then sell the site for alternate purposes shown on the preliminary subdivision plat.
5. If the Board desires a public open space larger than indicated by the preliminary plat, the subdivider shall reserve the excess area for two (2) years from the endorsement date of the final plat, giving the public the option to purchase at a price established by a certified appraiser as the value of the unimproved land prior to subdivision. The purchase price shall also include one-half (1/2) of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site and one-half (1/2) the taxes paid by the subdivider between the date of reservation and the date of purchase. Should a public open space not be purchased within two (2) years, the subdivider may then sell the site for alternate purposes shown on the preliminary subdivision plat.

Adopted and passed by the Hancock County Board of Supervisors on this ____ day of _____, 200__.

Jerry Tlach, Chairperson

ATTEST:

Debra Bellinghausen

First Reading: _____
Second Reading: _____
Published: _____