

***ZONING ORDINANCE***  
***HARRISON COUNTY, IOWA***

**2004**



Effective:     /     /04



**SUBDIVISION ORDINANCE  
HARRISON COUNTY, IOWA  
2004**

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**SUBDIVISION ORDINANCE  
HARRISON COUNTY, IOWA  
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**ORDINANCE NO.**

**SUBDIVISION ORDINANCE  
HARRISON COUNTY, IOWA**

**PREAMBLE**

**AN ORDINANCE** providing rules and regulations for the approval of plats, subdivisions, resubdivisions, or dedications in the unincorporated areas of Harrison County; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof, all for the purpose of promoting the adequacy, safety, and efficiency of the street and road system; and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing the existing ordinance and all amendments thereto.

**WHEREAS** the Board of Supervisors of Harrison County has adopted a Comprehensive Plan as a guide to the future development of the County; and

**WHEREAS** in accordance with said Comprehensive Plan the Board of Supervisors has adopted a zoning ordinance to assist in controlling the future development of the County by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings, the density of population and the locations and uses of buildings and structures for agriculture, residences, commerce, industry and other purposes; and

**WHEREAS** it is essential that the subdivisions of land be coordinated with the zoning ordinance for the purpose of guiding the future development of the County as outlined in the Comprehensive Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Harrison County, Iowa:

**SECTION 1.** The existing subdivision regulations of the Harrison County as amended, is hereby amended by repealing and enacting in lieu of the preceding subdivision ordinance, the following subdivision ordinance.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED BY THE BOARD OF SUPERVISORS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2004, AND APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004, AT  
HARRISON COUNTY, IOWA.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Board of Supervisors  
Chairman

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Harrison County Auditor

**ARTICLE I**  
**PURPOSE AND JURISDICTION**

**1.1 PURPOSE.** The purpose of this ordinance is to provide rules and regulations for the subdivision of land within the unincorporated areas of Harrison County, Iowa; to prescribe minimum standards for the design and development thereof; to establish procedures for the approval of preliminary and final plats and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public and to facilitate the adequate provision of transportation, water, sewerage and other public requirements.

**1.2 TITLE.** This ordinance shall be known and may be referred to as the Harrison County Subdivision Ordinance.

**1.3 JURISDICTION.** All plats, replats, or subdivision of land into three (3) or more parts in the unincorporated areas of Harrison County, for other than agricultural purposes, including the laying out of subdivision lots or additions within two (2) miles of any city, or if a new road is created, any division of a parcel of land, shall be submitted to the Board of Supervisors and the County Zoning Commission in accordance with the procedures established by this ordinance, and shall be subject to the requirements established herein, and in Section 354.9 of the Code of Iowa.

All plats, replats, or subdivisions of land as defined above, that are within two (2) miles of any city having extra territorial subdivision control, shall also be submitted to the council and planning commission in such cities, and shall be subject to the procedures and requirements of such city and Section 354.9 of the Code of Iowa as well as the requirements established herein.

## ARTICLE II DEFINITIONS

**2.1 DEFINITIONS.** For the purpose of this ordinance, certain terms and words are hereby defined. 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 "shall" is mandatory and not directory.

1. Acquisition Plat. The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. Administrative Official. A person designated by the Board of Supervisors shall administer and enforce this ordinance. He/she may be provided with the assistance of such other persons as the Board of Supervisors may direct.
3. 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.
4. Application. An owner or subdivider of land proposed to be subdivided or the owner's representative. Where application is made by someone other than the legal owner, consent is required from the legal owner of the premises as a part of the application.
5. Auditor's Plat. A plat prepared at the request of the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation.
6. Block. An area of land within a subdivision that is entirely bounded by streets or highways; or by streets or highways on the exterior boundary or boundaries of the subdivision.
7. Bond. Cash deposits, surety bonds or instruments of credit in the amount and form satisfactory to the County. All bonds shall be accepted and approved by the Board of Supervisors whenever a bond is required by these regulations.
8. Building Setback Line. A line designating the allowable proximity of a building to an adjacent street, alley or property line.

9. Common Land or Open Space. An area of undivided land or water, or combination thereof, which is owned jointly by all property owners of the Subdivision, but not specifically assigned, planned for passive or active recreation, pedestrian access, and the enjoyment and benefit of the owners and occupants of the individual building sites of said development.
10. Common Sewer System. A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency, and which does not include individual septic systems.
11. Common Water System. A central water system available to each platted lot from one single source approved by the appropriate County and/or State agency.
12. Comprehensive Plan. The current Comprehensive Plan for the development of Harrison County, Iowa, or any of its geographical parts, prepared for and adopted by the Board of Supervisors and includes any parts of such plans separately adopted and any amendments to such plans or parts thereof.
13. Construction Plans. The maps or drawings prepared by a registered engineer accompanying the subdivision plat and showing the specific location and design of improvements to be installed in the subdivision. The term construction drawing means the same.
14. Contractor. Any person who constructs the improvements required herein.
15. Cul-de-sac. A short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
16. Dead-End Street. A street presently closed to through traffic at the end and is planned for future extension.
17. Drainageway - Improved. An improved ditch, stream or waterway with shaped inverts, graded slopes and controlled velocities.
18. Drainageway - Natural. An existing ditch, stream or waterway in as natural condition as possible and which can be maintained as such in the opinion of the County Engineer.
19. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
20. Engineer. A registered engineer authorized to practice civil engineering, as

defined by the registration act of the State of Iowa.

21. Grade. The slope of a road, street, utility, earth embankment or other facility specified in percent of vertical to horizontal measurements.
22. Improvement. Any drainage, roadway, parkway, storm sewer, sanitary sewer, water main, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the County may ultimately assume the responsibility for construction, maintenance and/or operation or which may affect an improvement for which the County's responsibility is established.
23. Lot. A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development meeting minimum lot requirements of the Harrison County Zoning Ordinance.
24. Maintenance Bond. A surety bond or cash deposit made to the County in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the County Engineer, and the surety bond or cash deposit being legally sufficient to secure to the County that the improvements have been constructed by the contractor in accordance with this chapter and the County's standard specifications.
25. Owner. Any person, group of persons, firm, corporation or other legal entity having legal and equitable title in the land sought to be subdivided under these regulations.
26. Performance Bond. A surety bond or cash deposit made to the County in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the County Engineer, and the surety bond or cash deposit being legally sufficient to secure to the County that the improvements will be constructed in accordance with this chapter.
27. Planned Unit Development. A project of a single owner or a group of owners acting jointly, involving a development of residential, commercial, or industrial uses, planned as a single land use unit rather than as an aggregation of individual activities located on separate lots. The Planned Unit Development usually includes clustering of buildings to provide usable, functional, open space for the mutual benefit of the entire tract, and is designed to provide variety and diversity through the variance of normal Zoning standards so that maximum long-range benefits can be gained and the unique features of the development or site is preserved and enhanced, while still being in harmony with the surround neighborhood. Approval of a Planned Unit Development through zoning process does not eliminate the need of compliance with the provisions of subdivision ordinance, or density

requirements of the Zoning Ordinance.

28. Plans of Record. Plans prepared by a registered engineer, showing the engineer's signature and certifying that the public improvements have been constructed as shown. The term "as built" drawings means the same.
29. Plat. A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
30. Plat - Final. The drawing on which the subdivision plat is presented in the form which, if approved by the Board of Supervisors and Planning and Zoning Commission, will be filed and recorded with the County Recorder.
31. Plat - Preliminary. A study or drawing indicating the proposed manner or layout of the subdivision which is submitted to the Board of Supervisors and Planning and Zoning Commission for consideration and approval.
32. Proprietor's Plat. A plat as defined herein submitted by the owner of the land being platted, or an agent, or other private entity, acting with the consent of the owner.
33. Protective Covenants. Contracts entered into between private parties and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners.
34. Right-of-Way. A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer, storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency are dedicated to public use by the maker of the plat on which such right-of-way is established, except as otherwise provided in these regulations.
35. Private Road (Street). A road or street in a subdivision not dedicated and/or accepted by Harrison County as a public street, but built in accordance with standard specifications of Harrison County. Maintenance of said private road shall not be the responsibility of Harrison County.

36. Public Road (Street). A road or street in a subdivision which meets all requirements and has been constructed in accordance with the standard specifications of Harrison County and for which a right-of-way has been granted and accepted by Harrison County. Maintenance of said public road shall be the responsibility of Harrison County.
37. Subdivider. Any person who having an interest in the land, causes it, directly or indirectly, to be divided into a subdivision or to be included in a proposed subdivision or re-subdivision.
38. Subdivision. The division of a lot, tract, or parcel of land into three (3) or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided. The division of land for agricultural purposes into parcels of more than forty (40) acres, not involving any new road, street, easement or other dedication, shall not be considered a subdivision, as defined above, and shall be exempt from the requirements of this chapter. Such division into parcels of 40 acres shall not be further divided without meeting all of the requirements of this ordinance.
39. Subdivision, Cluster. A subdivision permitting buildings to be clustered or grouped together on smaller lots including provisions for additional open space. The resulting density shall remain the same whether or not cluster subdivisions are used.
40. Subdivision, Minor. The division of a lot, tract, or parcel of land into four (4) lots or less that meets the following conditions:
  - a. The proposed division of lots are in conformance with the Comprehensive Plan and Zoning Ordinance.
  - b. All the lots of the subdivision adjoin an existing dedicated public road, highway, or street.
  - c. No new road within the subdivision is proposed nor is any new road required by the County in order to assure adequate access to an existing public road, highway, or street from any of the lots of the subdivision.
  - d. All County service systems and public utility improvements required by the County are already extended so that each system is readily accessible for the direct and the individual service connection thereto from each lot of the subdivision.
  - e. All entrances to the lots from dedicated public road, highway or street

have adequate sight distance as determined by County Engineer.

41. Surety. A guarantee in writing backed by substantial assets pledged by any financial institution, insurance company, or other party of substantial financial standing being bound with its principal for the payment of a sum of money or for the performance of some duty or promise required of the party being serviced.
42. Surveyor. A registered land surveyor authorized to practice surveying as defined by the registration act of the State of Iowa.

**ARTICLE III  
PLATTING PROCEDURES AND PLAT REQUIREMENTS**

**3.1 PRELIMINARY PLATTING PROCEDURE.**

1. Prior to the filing of a preliminary plat, the subdivider shall consult with Administrative Official of the County to become familiar with the regulations of the Ordinances and Comprehensive Plan concerning the ultimate land use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, and the sanitary and water services required for the lots.

a. Whenever the owner of any tract or parcel of land within jurisdiction of this ordinance wishes to subdivide or plat the same, said person shall attend a pre-application conference. Participants at the pre-application conference may be the developer or developer's agent, the developer's engineer, landscape architect or land surveyor; the Administrative Official and County Engineer; and any other official of government or private utility deemed by the County to have an interest in the layout for the facilities to be furnished in the subdivision.

The time and place of the pre-application conference shall be set by the Administrative Official within seven (7) days of the submission of the request and any accompanying exhibits of the development.

2. Preliminary Plat. After the pre-application conference, if the owner of any tract or parcel of land within the jurisdiction of this chapter does wish to subdivide or plat the same, said person shall cause to be prepared a preliminary plat of said subdivision, and shall submit six (6) copies of said preliminary plat and other information to the Administrative Official. The preliminary plat shall contain such information and data as is required by this ordinance.

3. The Administrative Official shall immediately transmit three (3) copies of the preliminary plat to the Zoning Commission and one (1) copy each to the County Engineer and County Health Officer.

4. The Zoning Commission may, at its discretion, hold a public hearing on the preliminary plat; consider the recommendations of the County Engineer and Administrative Official/County Health Officer as well as the following factors:

a. The relation of the proposed subdivision to the Comprehensive Plan and public interest, and conformance with the County Zoning Ordinance.

b. The effect of the proposed subdivision on the environment.

- c. The compliance of the proposed subdivision with the provisions of this ordinance.
- d. The suitability of the area for the proposed development, with special attention to site features such as topographic and subsurface conditions.
- e. The availability of utilities and various public services such as police and fire protection, schools, parks and solid waste disposal.
- f. The availability of access from existing highways and County roads and the nature of the altered traffic pattern that may result from the proposed subdivision.
- g. The use of sound planning and engineering practices in developing the plat and its features.

5. The Commission shall, within forty-five (45) days of receipt of the plat, submit its recommendations to the Board of Supervisors whether of approval, modification or disapproval, stating its reasons therefore. The subdivider, may, however, agree to an extension of time not to exceed sixty (60) days. A copy of the recommendation shall be forwarded to the subdivider.

6. The Board of Supervisors, upon receipt of the Commissions' recommendation, or after the forty-five (45) days or any extension thereof shall have passed, shall be resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the Board of Supervisors shall advise the subdivider of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Supervisors shall constitute approval to proceed with preparation of the construction plans and final plat but shall not be deemed approval of the subdivision.

### **3.2 CONSTRUCTION PLANS.**

1. Upon approval of the preliminary plat by the Board of Supervisors, the owner shall cause to be prepared by a registered engineer construction plans of at least one phase of the approved preliminary plat. The construction plans shall be in accordance with the design standards of the subdivision regulations and standard specifications by the **County**. The construction plans and specifications shall be reviewed by the County Engineer and upon its recommendation approved by the Board of Supervisors prior to commencement of improvements. Two (2) certified copies of the Iowa Department of Natural Resources (IDNR) approved construction drawings, and other permits as required by the State and County regulatory agencies must be received prior to acceptance and approval of construction plans by the Board of Supervisors. Construction may commence after Board of Supervisors approval, and the improvements completed within one (1) year of the approval of preliminary plat, unless an extension is granted by the Board of Supervisors.

2. Plans and profiles of all streets and alleys shall be drawn at a 50-foot horizontal scale and a 5-foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of roadways and east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

### **3.3 FINAL PLATTING PROCEDURE.**

1. A final plat shall be submitted within one (1) year of the approval of the preliminary plat, and approval of public improvements of at least one phase of the preliminary plat or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.

2. Procedures for final plats shall be the same as set out for preliminary plats in Section 3.1 above, except that a public hearing shall not be required.

3. Upon approval of the final plat, a certification of approval signed by the Chairman of the Board of Supervisors and attested by the County Auditor shall be affixed to the original tracing of the final plat and copies of the same filed with the County Auditor and County Recorder, along with such other certifications and instruments as may be required by law.

### **3.4 MINOR PLAT.**

1. To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the minor subdivision will waive the preliminary plat procedure and requirements when the conditions below have been met.

- a. Upon recommendation and determination of the Administrative Official with the recommendation of the County Engineer that the proposed subdivision meets the conditions as specified in Definitions; Subdivision - Minor, a developer may be permitted to proceed with a minor subdivision.
- b. The minor plat shall be processed in the same manner as required for final plat.

**3.5 AUDITOR'S PLAT.** With regard to Auditor's Plats as distinguished from proprietor's plats the Commission and Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 3.1, 3.2, 3.3 and 3.4.

1. Providing there is on file with the Commission a copy of the request of the Harrison County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

**3.6 PERMITS.** Following the submittal of Certification of Recording of the final plat, the applicant or property owners within the recorded plat may make application to the County for the certificate of zoning compliance and/or building permits, in accordance with the County's regulations. Occupancy permits will not be issued until the above procedures have been completed.

**3.7 PLATS WITHIN TWO (2) MILES OF A CITY.** The procedure for plats within two (2) miles of a city having extraterritorial subdivision control shall be in accordance with provisions of Section 354.9 Code of Iowa and the same as set out for preliminary and final plats in Sections 3.1, 3.2, 3.3 and 3.4, and as hereinafter provided.

1. The subdivider shall also file such plats with the municipality in accordance with its established procedures.
2. The Commission shall submit its recommendations to the municipality.
3. If action by the municipality is in accord with the recommendations of the Commission, the Board of Supervisors shall concur with such action, provided that the design standards and improvements required are not less than those established herein.
4. The County Board shall have the right to waive such requirements, as are contained in this ordinance, for such subdivisions whenever the County Board, upon recommendation by the Commission is satisfied that equally suitable regulations have been placed on these subdivisions by the City Council of that city.

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

**3.8 PROFESSIONAL ASSISTANCE.** The Board of Supervisors or the Planning and Zoning Commission may request such professional assistance as deemed necessary to properly evaluate the plats submitted.

**3.9 PERFORMANCE BOND.** Before the final plat of any area shall be approved by the Board of Supervisors and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may, subject to approval by the Board of Supervisors and recommended by the Zoning Commission, post a performance bond, approved by the County Attorney and County Treasurer, with the Board of Supervisors, which bond will ensure to the County that the improvements will be completed by the subdivider within one (1) year after approval of the preliminary plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or any portion thereof to complete same. For plats located in unincorporated areas within two (2) miles of the corporate limits of cities that have adopted the provisions of Section 354.9 of the Code of Iowa, the Commission and Board may waive the requirements of this section provided they are satisfied that the subdivision regulations of the City governing the area within which the subdivision is located are sufficient to ensure adequate conformance with these regulations.

If a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the County of any improvements to be constructed. Improvements will be accepted only after all construction has been completed, all in accordance with the requirements of this ordinance.

**3.10 PRELIMINARY PLAT REQUIREMENTS.** The preliminary plat shall contain the following information:

1. A location map showing:
  - a. Subdivision name.
  - b. Outline of the area to be subdivided.
  - c. Existing roads and public or community utilities, if any, on adjoining property.
  - d. North point and scale.

2. A preliminary plat of the subdivision drawn to the scale of fifty feet (50') to one inch (1"), provided that if the resulting drawing would be over thirty-six inches (36") in shortest dimension, a scale of one hundred feet (100') to one inch (1") may be used. Said preliminary plat to show:

- a. Legal description, acreage and name of proposed subdivision.
- b. Name and address of owner.
- c. Name of person who prepared the plat; and date thereof.
- d. Location of existing lot lines, roads, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision.
- e. Location and widths, other dimensions and names of the proposed roads, utility easements and other open spaces or reserved areas.
- f. A statement concerning the location and approximate size or capacity of utilities proposed to be installed.
- g. Layout of proposed blocks (if used) and lots including the dimensions of each, and the lot and block number in numerical order.
- h. Contours at vertical intervals of not more than two feet (2') if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five feet (5') if the general slope is ten percent (10%) or greater.
- i. Tract boundary lines showing dimensions, bearings, angles and references to known lines or bench marks.
- j. Names of adjacent property owners.
- k. Proposed building lines.
- l. A cross section of the proposed roads showing the roadway location, the type and width of surfacing, the type drainage and other improvements to be installed.
- m. Grades of proposed roads.
- n. The size, type and location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.

- o. The drainage of the land including location of proposed storm sewers, ditches, culverts, bridges and other structures.
- p. Any area subject to inundation or flood hazard by storm waters shall be clearly shown on the plat.
- q. North point and graphic scale.
- r. Layout of lots showing approximate dimensions and number.
- s. A statement or plan regarding methods and/or techniques to be used in controlling soil erosion during construction and development of the subdivision.
- t. A statement from applicable utility companies indicating their approval of the utility easements shown on the plat.

**3.11 FINAL PLAT REQUIREMENTS.** The final plat shall meet the following specifications:

- 1. It may include all or only part of the preliminary plat.
- 2. The plat shall be drawn to the scale of fifty feet (50') to one inch (1") provided that if the resulting drawing would over thirty-six inches (36") in shortest dimension, a scale of one hundred feet (100') to one inch (1") may be used.
- 3. The final plat shall contain the following:
  - a. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one foot (1') in ten thousand feet (10,000') for the subdivision boundary and one foot (1') in five thousand feet (5,000') for lot lines.
  - b. Accurate 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.
  - c. Accurate locations of all existing and recorded roads intersecting the boundaries of the tract.
  - d. Accurate metes and bounds description of the boundary.
  - e. Road or street names, and referenced as public or private road.
  - f. Complete curve notes for all curves included in the plat.

- g. Road right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
- h. Lot numbers and dimensions.
- i. Block numbers, if used.
- j. Accurate locations of easements for utilities and any limitations on such easements.
- k. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- l. Building lines and dimensions.
- m. Location, type, material and size of all monuments and markers.
- n. Name of the subdivision.
- o. Name and address of owner and subdivider.
- p. North point, scale and date.
- q. Certification by a registered land surveyor of the State of Iowa.
- r. Certification of dedication of roads and other public property.
- s. Resolution and certificate for approval by the Board and signatures of the Chairman and County Auditor.
- t. If the subdivision is within two (2) miles of a city that has extraterritorial subdivision control, a Resolution and Certificate of Approval by the Council of the affected city shall also accompany the final plat.

4. The final plat shall be accompanied by the following instruments:

- a. A certified statement from the owner and the owner's spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and the proprietor's spouse.
  - 1) A certificate bearing the approval of the Board of Supervisors stating that all improvements and installations in the subdivision required by this ordinance have been made or installed in accordance with the County specifications, or

2) A surety bond with the County which will insure the County that the improvements will be completed by the subdivider within two (2) years after official acceptance of the plat. The form and type of bond shall be approved by the County Attorney and the amount of the bond shall not be less than the amount of the estimated cost of the improvements as determined by the County Engineer plus ten percent (10%), and the amount of the estimate must be approved by the Board of Supervisors. If the improvements are not completed within the specified time, the Board may use the bond or any necessary portion thereof to complete the same. If within two (2) miles of a city having jurisdiction, the bond shall be with the city.

The final plat shall state that the subdivider, its grantees, assignees, and successors in interest agree that public services including but not limited to road maintenance, snow and ice removal, and any other services normally provided by the County, will not be extended to this subdivision until the road is completed and accepted by the County.

- b. Copy of Restrictive Covenants to be attached to the lots of the subdivision.
  - c. Plans of record showing profiles and cross sections and specifications for street improvements and utility systems installed.
- 5. The final plat shall also be accompanied by the following at the time it is presented for filing with the County Recorder:
  - a. An opinion from an attorney-at-law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa.
  - b. A certified statement from the Treasurer of the County that it is free from taxes.
  - c. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in section 354.12, may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

**ARTICLE IV  
DESIGN STANDARDS**

**4.1 ROADS.**

1. Design Considerations:
  - a. The road layout shall provide access to all lots and parcels of land within the subdivision.
  - b. Road jogs of less than one hundred fifty feet (150') shall be avoided.
  - c. Cul-de-sacs shall not exceed one thousand five hundred feet (1,500') in length.
  - d. Proposed roads shall be adjusted to the contour of the land so as to produce useable lots and roads of reasonable gradient.
  - e. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector or feeder streets and roads which shall extend through the subdivision to the boundaries thereof.
  - f. Where access to adjoining properties is deemed necessary by the County, residential and other minor roads shall be extended to the subdivision boundaries.
  - g. Frontage roads shall be provided where required by the Iowa Department of Transportation, the Harrison County Secondary Road Department, or where sound planning and engineering practices dictate.
  - h. No dead-end roads or alleys will be permitted except at subdivision boundaries in which case a temporary cul-de-sac or turn around shall be provided.
  - i. Alleys shall not be permitted in residential areas.
  - j. Intersection of road center lines shall be between 80 degrees and 100 degrees.
  - k. Intersection of more than two roads at a point shall not be permitted.
  - l. Where parkways or special types of roads are proposed, the commission may apply special standards for the design of such parkways or

roads.

m. Proposed roads that are extensions of or in alignment with existing roads shall bear the name of the existing road.

2. Minimum rights-of-way shall be provided as follows:

- |    |                                  |                     |
|----|----------------------------------|---------------------|
| a. | Collector or feeder roads        | 66 feet             |
| b. | Residential roads or local roads | 66 feet             |
| c. | Frontage roads                   | 66 feet             |
| d. | Cul-de-sacs                      | 125 feet (diameter) |
| e. | Alleys                           | 20 feet             |
| f. | Pedestrian Ways                  | 10 feet             |

3. Road Surfacing:

a. Road surfacing shall be provided within the two (2) mile subdivision control area of cities in accordance with the street standards established by the municipality but in no case shall the standard be less than established herein for subdivisions beyond the two (2) mile control area.

b. Beyond the two (2) mile control area, surfacing shall be in accordance with one of the following:

1) An urban-type cross section with curb and gutter and a surface width of not less than twenty-five feet (25') from back of curb to back of curb **including 6 inches of portland cement concrete or 7 inches of hot mix asphalt pavement**. A cross section of this type may be required by the Board of Supervisors where lots are less than 15,000 square feet in area; where lots have a frontage of one hundred fifty feet (150') or less; where the county deems it necessary to control drainage; or where the density of population and anticipated traffic volumes would warrant such cross section.

2) A rural cross section utilizing ditches in lieu of curb and gutter. In such case, **6 inches of gravel** surfaced roadway of not less than **twenty feet (20')** in width shall be constructed on a **twenty foot (20')** wide subgrade top. Foreslopes, backslopes and width and depth of ditches shall be in accordance with current county standards for similar work. **The minimum design standard for rural cross section roads shall be as established by "A Policy on Geometric Design of Highways and Streets", AASHTO, 2001, 4<sup>th</sup> Edition (Green Book).**

- c. Frontage Roads - same as above.
- d. Cul-de-sacs - one hundred twenty-five feet (125') in diameter.
- e. Alleys - twenty feet (20').

#### **4.2 BLOCKS.**

1. Blocks shall not be less than five hundred feet (500') nor more than one thousand two hundred fifty feet (1,250') in length.
2. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two hundred twenty feet (220'), except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, railroad or other barrier, the width shall not be less than one hundred fifty feet (150').
3. Crosswalks may be required in blocks over nine hundred feet (900') long or in areas where curved roads require excessive out-of-distance travel. If required, they shall be constructed by the developer.

#### **4.3 LOTS.**

1. All lots shall abut on a road.
2. Side lines of lots shall approximate right angles to straight road or street lines and radial angles to curved road lines except where a variation will provide better road and lot layout.
3. Lots with double frontage shall be avoided, except in specific location where good planning indicates their use. In that event, a planting screen shall be provided along the rear of the lot.
4. Corner lots shall not be less than eighty feet (80') in width, and interior lots shall not be less than seventy feet (70') in width at the building line.
5. No lot shall have less area or width than required by the zoning ordinance for the district in which it is located.

#### **4.4 EASEMENTS AND UTILITY LOCATIONS.**

1. Easements shall be provided along each side of streams and other drainage courses where deemed necessary by the County Zoning Commission.

2. Easements not less than eight feet (8') in width shall be provided along each side of the rear lot lines of all lots and along such other lot lines as may be required by public and private utility companies. When lots are sold to one owner all interior easements if not required by a utility may be rescinded.

3. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses, or high voltage lines and shall be provided as determined by the affected utility or by the County Engineer.

4. All utility lines shall be placed underground except main or feeder electric distribution lines may be overhead where deemed necessary by the utility company.

#### **4.5 EROSION CONTROL.**

1. The subdivider shall be responsible for controlling soil erosion and surface water runoff within the subdivision during its construction and development and shall provide interim erosion and runoff control measures as work progresses on site grading, the installation of street surfacing, sewers or other improvements and stages of work.

2. The subdivider shall be responsible for providing permanent erosion control measures along streams, waterways and other water courses which will ultimately become a permanent part of the subdivision.

3. Methods for controlling erosion may, where appropriate, include mulches, temporary or permanent vegetative cover, the use of terraces, diversion ditches, impoundments, subsurface drainage pipes, silt fences, or other structures which will intercept, divert, retard or otherwise control runoff and soil erosion.

4. A Pollution Prevention Plan shall be required for subdivisions and lots over one (1) acre in size in accordance with the provisions of the Iowa Department of Resources for a National Pollutant Discharge Elimination System (NPDES) construction site permit.

The plan and methods and/or techniques for controlling soil erosion and siltation shall be approved by the Harrison County Soil Conservation District.

**ARTICLE V  
IMPROVEMENTS REQUIRED**

**5.1 ROADS.**

1. Grading. All roads being dedicated for public use shall be brought to the grade approved by the County Engineer.
2. Surfacing. All roads and alleys being dedicated for public use shall be surfaced and brought to width as required by Section 4.1-3. Surfacing for an urban type cross-section shall be six inch (6") portland cement concrete or a three inch (3") asphaltic concrete surface over a six inch (6") rolled stone base and shall be constructed in accordance with design and specifications, and at grades approved by the Board of Supervisors and the County Engineer. Surfacing for a rural type cross-section shall be a minimum of county road rock, of a seal-coated road, and shall be constructed in accordance with design and specifications, and at grades approved by the Board of Supervisors and the County Engineer.
3. Curb and Gutter. Curb and gutter on all roads being dedicated for public use shall be of Portland cement concrete six inches (6") high and not less than twenty-four inches (24") in overall width, or of integral construction where the roadway surface is of portland cement concrete of not less than six inches (6") in thickness.

**5.2 SANITARY SEWERS.** The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following:

1. Public Collection System. Where reasonably available, the subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with the sanitary sewer system of a municipality. In such case the sewer system shall be approved by the affected municipality and shall be designed and constructed in accordance with the municipal specifications.
  - a. Location. All sanitary sewers shall be constructed in the road right-of-way outside the pavement slab whenever possible.
  - b. Easements. When sanitary sewers are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the County for all sanitary sewers required by the County. These easements shall have a minimum width of fifteen feet (15') each side of the sewer center lines. Additional width may be required to ensure access by County maintenance equipment.

c. **Service Lines.** Sewer service lines shall be installed to the right-of-way line to serve each lot in the subdivision. Service lines shall be laid at ninety (90) degree angle to the sewer main. Service lines shall be a minimum of four inch (4") diameter for single family and duplex family housing, and six inch (6") diameter for all other zoning classification uses. Duplex housing shall have a separate service line to each unit. Developer and contractor shall accurately record the location of the service line during construction with respect to lot corners, pavement and other physical features. Said locations shall be furnished to the County. A steel post shall be located at the end of each service with the top of the post to be placed within one foot above the final ground surface. The post shall be painted green to indicate a sanitary sewer service location.

2. **Common or Community Treatment System.** Where it is not practical to connect the subdivision sanitary sewer system to a municipal sewer, the subdivider shall install a local or community treatment system in accordance with the requirements of the County and the Iowa Department of Natural Resources. Minimum sanitary sewer size required is eight inch (8") diameter pipe.

3. **Private Disposal Systems.** If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install on each lot, a septic tank and absorption field or other system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the County Zoning Ordinance.

**5.3 WATER.** The subdivider shall provide the subdivision with an approved water supply and distribution system in accordance with one of the following:

1. **Public Water System.** Where reasonably available, the subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves, and other appurtenances which shall extend into and through, the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to a public or municipal water system or an approved rural water system. Minimum water main size required for hydrants is eight inch (8") diameter pipe.

a. **Design.** Water mains shall be sized with capacity to permit ultimate development of the water service area. The water lines shall be constructed to the plat boundaries where necessary to accommodate future extensions.

b. **Location.** All water mains shall be constructed in the street right-of-way outside the pavement slab whenever possible.

c. Easements. When water mains are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the County for all water mains required. These easements shall have a minimum width of ten feet (10') each side of the water main center line. Additional width may be required to ensure access by County maintenance equipment.

d. Service Lines. Water service lines shall be installed to the right-of-way line of the lots to be served. Service lines shall be laid at ninety (90) degrees to the water main and shall be a minimum of three-quarter inch (3/4") in diameter pipe in accordance with the County standard specifications for single family and duplex family housing. Multi-family, commercial or industrial zoning classification functions shall have a minimum water service of two inch (2") diameter pipe. Service lines shall be provided with corporation cocks at the main and curb stops located as required by the County standard specifications. Duplex housing and town houses shall have a separate service line to each unit. Developer and contractor shall accurately record the location of the service line during construction with respect to lot corners, pavement and other permanent physical features. Said locations shall be furnished to the County. A steel post shall be left standing at the end of each service adjacent to the curb stop to mark the location. The post shall be painted blue to indicate a water distribution service location.

e. Fire Hydrants. Fire hydrants shall be located at street intersections and spaced no more than three hundred (300) feet in commercial and industrial areas, and no more than four hundred (400) feet in residential areas.

f. Valves. Valves shall be spaced at equal spacings no more than eight hundred feet (800') apart in residential areas, and no more than four hundred feet (400') apart in commercial and industrial areas.

2. Common or Community Water System. Where a public water system is not available, the subdivider shall install a local or community water supply and distribution systems, including all necessary mains, valves, hydrants and other appurtenances, in accordance with the standards and requirements of the County and the Iowa Department of Natural Resources.

3. Individual Water System. If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install individual wells on each lot, or other water system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the County Zoning Ordinance.

**5.4 STORM DRAINS.** The subdivider shall provide the subdivision with adequate ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

1. Design. All storm drainage facilities shall be sized with capacity to permit ultimate development of the drainage basin, but in no case less than the five (5) year storm frequency in pipe design, and 100-year storm frequency for overland stormwater drainage. The improvements shall be constructed to the plat boundaries where necessary to accommodate future expansion and shall conform to County standard specifications.

2. Detention Methods. When the proposed subdivision may have a detrimental effect by increasing the intensity of storm water runoff into the storm water drainage system or onto adjoining properties, detention methods may be required by the County Engineer to ensure the on-site control of said runoff. When required, the release rate from the detention facility will be based on a 5-year storm with predevelopment conditions, and detention based on a 100-year storm with post development conditions.

3. Location. All storm sewers shall be constructed in the road right-of-way outside the pavement slab whenever possible.

4. Easements. When storm sewers are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the County for all storm sewers required by the County. These easements shall have a minimum width of ten feet (10') each side of the sewer center line. Overland stormwater drainage easements shall be provided with minimum width to carry 100-year storm runoff. Additional width may be required to ensure access by the County maintenance equipment.

5. Dams. Where dams are proposed in any subdivision, they shall be designed by a registered engineer. A preliminary engineering report including soil investigations and design procedures shall be submitted to the County Engineer for review. When such dam is constructed, the subdivider's engineer shall certify to the County that the dam is constructed in accordance with the approved plans and specifications and state and federal requirements.

**5.5 STREET LIGHTS.**

1. Street lights will be required in all subdivisions and installed by the owner of land being platted. Street light locations shall be shown on the utility plan provided by the utility company for the subdivision.

2. Location. Exact street light locations will be determined by the County in consultation with the utility company. As a general guideline, street lights shall be placed at all street intersections and at other intermediate points as necessary, but in no case shall the street lights be more than three hundred feet (300') apart.

3. Costs. The owner of the land being platted shall pay the material and installation costs of all street lights required, and the County will pay the energy costs for operation after installation on public streets.

## **5.6 UTILITIES**

1. Underground. All utility lines and mains including telephone, electric, cable TV, fiber optic, and street lighting lines, gas and water mains and other necessary facilities except electric lines of nominal voltage in excess of fifteen thousand (15,000) volts shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities.

Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or pedestrian way should be installed in conduit prior to the improvement of any such street, alley or pedestrian way in the subdivision. Underground utilities installed after the streets, alley or pedestrian way is improved shall be installed by boring and jacking techniques. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as to not be unsightly or hazardous to the public.

2. Easements. Ten-foot (10') wide public utility easements shall be provided along the plat boundary and along the rear of all lots within the subdivision. Additional utility easement shall be provided along side lot lines totaling ten feet (10') in width to provide for utility line and access to such rear lines at sufficient intervals to allow ease of access from one such easement to the next as required by the utility companies. All utility easements shall have access to a public right-of-way.

3. Plan Approval. Utility plan shall be provided and approved by the County prior to approval of the final plat.

## 5.7 SIDEWALKS.

1. Sidewalks when required by the County shall conform to the following standards:
  - a. Location. Sidewalks shall be located in the street right-of-way one foot (1') from the right-of-way line and shall be four feet (4') in width. The sidewalk thickness shall be four inches (4") (minimum) of portland cement concrete. Where the sidewalk crosses the driveway, the thickness shall be six inches (6") (minimum) or the thickness of the driveway, whichever is greater.
  - b. Grade. The area between the curb and nearest edge of the sidewalk shall have a slope of one-half inch (1/2") per foot toward the curb.
  - c. Crosswalks. Crosswalks may be required in blocks over seven hundred feet (700') long or in areas where streets require excessive out-of-distance travel. If required, they shall be located in a right-of-way not less than twenty feet (20') in width and shall be constructed by the developer.
  - d. Handicap Ramps. Handicap ramps shall be installed at all intersections and at certain mid-block locations for all new or reconstruction of curb and sidewalks in accordance with the requirements of the federal Americans With Disabilities Act (ADA) and state accessibility requirements. Ramps for the handicapped shall have a textured nonskid surface. The maximum ramp slope shall be 1 in 12.

## 5.8 STREET SIGNS.

1. Street signs and traffic control signs shall be required in all subdivisions and installed by the subdivider. Street signs shall include street name signs, no parking signs, dead end signs, speed limit signs, stop signs and temporary and permanent barricades in accordance with the manual on Uniform Traffic Control Devices and County Standards. If the County installs the signs on behalf of the developer, the subdivider shall pay the material and installation costs to the County.

## 5.9 MARKERS. An iron rod identified with a surveyor's cap, and in accordance with Chapters 354 and 355, Code of Iowa, shall be placed as follows:

1. At the intersection of all lines forming angles in the boundary of the subdivision.
2. At block and lot corners and changes in direction of block and lot boundaries.

**5.10 EROSION CONTROL.** The subdivider shall provide plans including a Pollution Prevention Plan approved by the Soil Conservation District regarding:

1. Temporary measures for controlling erosion and siltation during construction and development of the subdivision.
2. Permanent measures for controlling erosion along water courses, ditches, and other areas susceptible to erosion which will remain or become a permanent part or feature within the subdivision.

**5.11 SPECIFICATIONS.** The type of construction, the materials, the methods and standards of subdivision improvements shall be equal to the current specifications of the County for like work. Plans and specifications shall be submitted to the Board for approval prior to construction, and construction shall not be started until the plans and specifications have been approved.

**5.12 INSPECTION.** The Board shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this ordinance. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the County.

**5.13 IMPROVEMENTS WITHIN TWO MILES OF A CITY.** Improvements in subdivisions within two (2) miles of a city having extra-territorial subdivision control shall be in accordance with the requirements of the municipality, but shall not be less than those required by the County provided further that all road and drainage construction plans shall be approved by the Board of Supervisors and the County Engineer.

**5.14 MAINTENANCE BOND.**

1. Construction of Improvements or Posting of Bond. Before the County approves the final plat, all of the improvements required in this ordinance shall be constructed and accepted by formal resolution of the Board of Supervisors. Before passage of a resolution of acceptance, the County Engineer shall report that the improvements meet all County specifications and ordinances or other requirements, and all agreements between the subdivider and the County; and the County Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the County. Maintenance bonds shall be in the name of the contractors who have done the work. Maintenance bonds shall be in effect from the passage of the resolution of acceptance by the Board of Supervisors, and for the following numbers of years:

- a. Road paving - two (2) years;
- b. Storm sewers and appurtenances - two (2) years;

- c. Sanitary sewers and appurtenances - two (2) years;
- d. Water mains and appurtenances - two (2) years;
  
- e. Sidewalks - two (2) years.

## **5.16 ACCEPTANCE OF IMPROVEMENTS**

1. Request for Acceptance. The subdivider shall submit the following items with the request for acceptance of improvements to the Administrative Official prior to approval of final plat by the Commission and Board of Supervisors.
  - a. Three (3) copies of the plans of record (as-built drawings) prepared by the subdivider's engineer.
  - b. Notification from the Administrative Official that all fees have been paid.
  - c. Maintenance bonds in the amount specified for the improvement to be accepted.
  - d. The land surveyor shall place all property corner monuments as indicated on the final plat within one year after filing of plat.
2. Distribution of Copies. The Administrative Official shall forward two (2) copies of the construction record drawings and one (1) copy of the maintenance bonds to the County Engineer, and one (1) copy of the maintenance bonds to the County Attorney for review. The Administrative Official shall retain one (1) copy of each for the County files.
3. Action by Board of Supervisors. The Board of Supervisors at a regularly scheduled meeting shall act upon the acceptance request. The County Engineer and the County Attorney shall submit to the Board of Supervisors their recommendations. The Board of Supervisors' actions shall be approval or denial.
4. Denial. In the case of denial the Board of Supervisors shall notify the applicant of its decision and the reasons thereof. Applicant shall correct any deficiencies in accordance with the Board action.
5. Approval. In the case of approval, the Board of Supervisors shall release the performance bonds if provided by the subdivider for the improvements corresponding to the improvements accepted.
6. Permits. Upon acceptance of all improvements in the subdivision, or as deemed appropriate by the Board of Supervisors, with recommendation from the County Engineer, certificate of zoning compliance and/or building permits may be

issued by County.

7. Corrective Construction or Reconstruction. The County shall review the improvement facilities through the life of the maintenance bonds with regard to stability of material and workmanship. During the life of the bond, should corrective construction or reconstruction be required in the opinion of the County Engineer, the County shall notify the principal of the bond as to the deficiencies that have occurred. Principal shall, within a reasonable time, repair or replace the defective portion of the improvements involved at no cost to the County under the terms of the bond.

**ARTICLE VI  
GENERAL PROVISIONS**

**6.1 ADMINISTRATIVE OFFICIAL.** The Board of Supervisors shall appoint an Administrative Official for the purpose of administering and enforcing the provisions of this ordinance. Such administrator may be a person holding other public office in the County or in a city or other governmental subdivision within the county.

**6.2 FEES.** Each preliminary plat submitted for approval shall be accompanied by a fee of one hundred dollars (\$100.00), which shall be credited to the General Fund of the County.

**6.3 ENFORCEMENT.** In addition to other remedies and penalties prescribed by law the provisions of this ordinance shall be enforced as follows:

1. No plat or subdivision within the unincorporated areas of the County 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 submitted to the County Board of Supervisors for approval as prescribed herein, and if applicable, the Council of the city having two (2) mile jurisdiction over the platted area.

2. Not more than two building permits shall be issued for each separate tract existing at the effective date of this ordinance unless the tract shall have been platted in accordance with the provisions contained herein.

3. No public improvements over which the Board of Supervisors has control shall be made with county funds, nor shall any county funds be expended for road maintenance, road improvements, or other services in any area that has been subdivided after the date of adoption of this ordinance unless such subdivision and roads have been approved in accordance with the provisions of this ordinance and the road accepted by the Board of Supervisors as a public road.

4. Any person who shall hereafter dispose of or offer for sale or lease any lots in any subdivision unless the plat thereof has been approved in accordance with this ordinance and recorded shall forfeit and pay fifty dollars (\$50.00) for each lot or part of lot sold or disposed of, leased; or offered for sale.

**6.4 VARIANCES.** Where the strict application of standards or requirements established by this ordinance would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations, not created by the owner or developer, the Zoning Commission may recommend and the Board of Supervisors may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this ordinance.

**6.5 AMENDMENTS.** This ordinance may be amended from time-to-time by the Board of Supervisors. Such amendments as may be proposed shall first be submitted to the Zoning Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Board shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.