

PLYMOUTH COUNTY, IOWA,

AN ORDINANCE ESTABLISHING NEW SUBDIVISION REGULATIONS FOR THE UNINCORPORATED TERRITORY OF PLYMOUTH COUNTY, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENTS THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 354, CODE OF IOWA, AND FOR THE REPEAL OF THE EXISTING SUBDIVISION REGULATIONS.

SECTION 1 REPEAL OF CONFLICTING ORDINANCES:

The Plymouth County Subdivision Regulations published prior to this ordinance are hereby repealed in their entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 2 SEVERABILITY:

If, for any reason, any part, section, subsection, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3 EFFECTIVE DATE:

This Ordinance shall be in force and in effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED *

PLYMOUTH COUNTY, IOWA,
SUBDIVISION ORDINANCE

Article I. GENERAL PROVISIONS

Section 1. Title.

This Ordinance shall be known and may be cited and referred to as the "Plymouth County, Iowa, Subdivision Ordinance".

Section 2. Purposes And Objectives.

This Subdivision Ordinance is adopted to establish rules, regulations and minimum standards for the design, development and improvement of all new subdivisions and re-subdivisions within the County, in order to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the present and future citizens of Plymouth County, Iowa, all in accordance with and as permitted by the provisions of Chapter 354, Code of Iowa, as amended. It shall be administered in order to insure the orderly growth and development, the conservation, protection, and the proper use of land, and for the adequate provisions for public utilities, services and circulation. More specifically, the Ordinance is adopted in order to achieve the following objectives, among others:

- A. To establish reasonable standards of design and procedures for approval of subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- B. To cause the cost of design and installation of improvements required for a subdivision to be borne by the developer, rather than by the direct or indirect burden upon property owners beyond the limits of the subdivision.
- C. To protect the character and the social and economic stability of all parts of the County and to encourage the orderly and beneficial development of all parts of the County.
- D. To insure the installation of adequately sized utilities and adequately improved streets.
- E. To promote a safe, effective traffic circulation system.
- F. To secure economy in government expenditures.
- G. To insure that public facilities, where available, will have a sufficient capacity to serve the subdivision.
- H. To encourage the most appropriate use of land in the County.
- I. To improve land records by establishing standards for surveys and plats.

Section 3. Jurisdiction:

The provisions of this Ordinance shall apply to all of the unincorporated territory of Plymouth County, Iowa.

Section 4. Plats within two-miles of City:

The purpose of this Section is to facilitate the orderly processing of subdivisions in unincorporated areas of the County within two (2) miles of the corporate limits of cities and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities. In the event a Subdivision is located within two (2) miles of the corporate limits of a city which exercises such Subdivision jurisdiction, as provided in Section 354.9, Code of Iowa, as amended, the procedures for review and approval of sketch, preliminary, and final plats shall be the same as established by this Ordinance, except that the preliminary and final Subdivision plats shall first be reviewed and approved by the City Council of that city. The developer shall submit the preliminary and final plats and other required materials as required by

this Ordinance. 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.

Such 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.

Section 5. Application Of Regulations:

The regulations set forth by this Ordinance shall apply to all Subdivisions of land, as defined herein, located within the jurisdiction of the County:

- A. No plat of any Subdivision within the application of this Ordinance have any validity until the plat has been prepared, approved and acknowledged in the manner prescribed in this Ordinance.
- B. The Subdivision of any tract or parcel of land for the purpose of sale, transfer or lease with the intent of evading the provisions of this Ordinance shall not be permitted. All such described Subdivisions shall be subject to all the requirements contained in this Ordinance.
- C. No permit, license or certificate shall be issued by a department, official or public employee of the County vested with such duty or authority, for any use, building or other purpose on a parcel or tract which is not a lot of record at the effective date of adoption of this Ordinance or which has not been approved and recorded in accordance with the provisions of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.
- D. No public improvements shall be made by the County Board with County funds, nor shall any County funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the effective date of this Ordinance, unless such Subdivision and streets have been approved in accordance with the provisions of this Ordinance and the street accepted by the County Engineer as a public street.

Section 6. Classification Of Subdivisions:

Except as provided in Article I, Section 7, whenever any division of a tract or parcel into three (3) or more parcels is proposed, before any contract is made for the sale of any part thereof, and before any zoning permit is issued for the erection of any structure upon such land, the owner of the land, or his authorized agent, shall apply and secure approval of the particular type of division, as described below, proposed.

Before preparing a plat, the developer should discuss with the Zoning Administrator the requirements and procedure for approval of a property line adjustment, property split, or minor or major subdivision. The Zoning Administrator shall also advise the developer, where appropriate, to discuss the proposal with those officials who must eventually approve these aspects of the Subdivision coming within their jurisdiction.

- A. The procedure for approval of a major Subdivision, as defined in Article II, Section 1, shall consist of:
 - 1. Tentative Plat as describe in Article III.
 - 2. Preliminary plat, as described in Article IV.
 - 3. Final Construction plans, described in Article V.
 - 4. Final plat, as described in Article VI.
 - 5. Review by Zoning Commission and Approval by resolution by County Board of Supervisors.
- B. The procedure for approval of a minor Subdivision, as defined in Article II, Section 1, shall consist of a:
 - 1. Plat of Survey
 - 2. Review and Approval by resolution by County Board of Supervisors
- C. The procedure for approval of a property split, as defined in Article II, Section 1, shall consist of a:
 - 1. Plat of Survey
- D. The procedure for approval of a property line adjustment, as defined in Article II, Section 1, shall consist of a:
 - 1. Plat of Survey

Section 7. Exemptions:

Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:

- A. The division of land into burial lots in a cemetery.
- B. A conveyance of land or interest therein for use of right-of-way by a railroad or other public utility subject to State or Federal Regulations, where such conveyance does not involve the creation of any new public or private street or easement of access.
- C. A conveyance of land or interest therein to adjoining property owners of vacated right-of-way by a railroad or other public utility subject to State or Federal regulation, where such conveyance does not involve the creation of any new parcel.
- D. A conveyance of land to the State or County for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.
- E. A conveyance of land in aliquot parts.

Section 8. Variances:

Where in the case of a particular proposed Subdivision, it can be shown that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposed, the County Board, upon recommendation of the Commission, may approve variances from the provisions of this Ordinance so that substantial justice may be done and the public interest secured; provided however, that such variances shall not have the effect of nullifying the intent and purpose of these regulations.

- A. The County Board shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not adversely effect the public health, safety, morals, order, convenience, prosperity or general welfare or the rights of adjacent property owners.
 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 4. In no case shall any variance be more than a minimal easing of the standards or requirements as necessary to eliminate the hardship. In no case shall any street standard variance have the effect of reducing the traffic capacity of any street.
 5. The variance will not adversely effect the County's Land Use Plan or in any manner vary the provisions of the County Zoning Ordinance.
- B. In approving variances, the County Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
- C. A request for such variances shall be submitted in writing by the developer at such time the application for preliminary plat approval is submitted for consideration by the Commission. The variance requests shall be accompanied by a fee as specified by the County Board. Said request shall state fully the grounds for the request and all of the facts relied upon by the developer. Any variance recommended by the Commission to the County Board shall be by written record, which shall include findings of facts, and shall refer to all the evidence in the record.

Section 9. Vacation Procedures:

In addition to the provisions concerning the vacation of plats as stipulated in Chapter 354, Code of Iowa, as amended, the following shall apply:

- A. Any Subdivision plat or portion thereof may be vacated by the owner in the event there has been no sale of any lots within the plat or a portion thereof.
- B. Any vacation of a plat shall be made by written instrument, to which a copy of such plat is attached, declaring the same to be vacated.
- C. The County Board may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements or streets.
- D. Such an instrument shall be executed, approved and recorded in a like manner as plats of Subdivisions; and being duly recorded shall operate to annul the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets and public grounds dedicated to the County as set forth on the final plat. If the County Board approves such vacation where the County had acquired an interest, by deed, in any property proposed to be dedicated to the County as set forth on the final plat, the County shall re-convey such interest, by deed, to the applicant, property owner or his or her successor in interest.

Section 10. Interpretation Of Standards:

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the

requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive, or that imposing the higher standards, shall govern.

Section 11. Subdivision Agreement:

The County Board of Supervisors shall approve no subdivision plat until a subdivision agreement has been entered into between the Subdivider and the County. The Subdivider shall have such agreement prepared. The agreement shall provide for the needs of the subdivision including but not limited to pavement, water mains, sanitary sewers, storm sewers, sidewalks, grading, waste treatment, common areas, engineering design data, specifications for construction, and any variances, if any.

1. All special conditions, including protective property covenants, Homeowner's Association Agreements, etc. shall be included as a part of the Subdivision Agreement.
2. All variances that may be granted shall be included in the Agreement.

Section 12. Certifications of Subdivision Plats:

Certifications on subdivision plats, other than an Auditor's Plat, that are presented to the Recorder shall conform to Section 354.11 Code of Iowa.

Article II. DEFINITIONS

Section I. Construction Of Terms:

For the purpose of this Ordinance, certain terms and words are hereby defined. The following rules of construction shall apply. If the term or word is not defined, then its usual and ordinary meaning shall apply.

TENSE: Words used in the present tense include the future tense.

NUMBER: Words used in the singular include the plural, and words in the plural include the singular.

SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissible.

GENDER: The masculine shall include the feminine and the neuter.

PERSON: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

USED OR OCCUPIED: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

REFERENCE TO CODE OF IOWA: Reference numbers are to the Code of Iowa sections are those in effect on the date of the adoption of this Ordinance. Future changes in the numbering of the Iowa Code sections are intended to be incorporated herein by reference without future amendment of this Ordinance. Amendments to Code sections which are the same or substantially similar to those in effect on the date of the adoption of this Ordinance are incorporated by this reference. These Iowa Code references are for convenience and continuity of enforcement and shall in no event be construed to make this Ordinance or any part thereof invalid.

ABUTTING: A common boundary. Land areas separated by a public or private road, highway, street, alley or way, or by a waterway or body of water shall not be construed as abutting herein.

ALLEY: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

ALIQUOT PART: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4) or one-quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.

AUDITOR'S PLAT: A Subdivision plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation. Such plats are not intended to satisfy the requirements of this Ordinance.

BLOCK: An area of land within a Subdivision that is entirely bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

BUILDING SETBACK LINE: The required minimum horizontal distance between the front, rear or side lines of the parcel or tract and the front, rear or side lot line of the building respectively for a particular zoning district. Setback may also be referred to as required yard.

CLUSTER LOT: A group of three or more lots, each of which must abut common or dedicated ground on one (1) or more sides and does not necessarily front on a dedicated public street.

CLUSTER SUBDIVISION: A Subdivision permitting dwellings 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.

COMMISSION: The Planning and Zoning Commission of Plymouth County, Iowa.

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.

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.

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.

COMPREHENSIVE PLAN: A general plan for the improvement and development of Plymouth County, Iowa, as adopted by the Commission and County Board. This document may also be referred to as the Land Use Plan.

CONSERVATION EASEMENT: Shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition, and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONVEYANCE: An instrument filed with the County Recorder as evidence of the transfer of title of land, including any form of deed, contract or lease, excluding agricultural farm land leases.

COUNTY: Plymouth County, Iowa.

COUNTY ASSESSOR: The Assessor of Plymouth County, Iowa.

COUNTY AUDITOR: The County Auditor of Plymouth County, Iowa.

COUNTY BOARD: The Board of Supervisors of Plymouth County, Iowa.

COUNTY ENGINEER: The County Engineer of Plymouth County, Iowa or authorized Licensed Civil Engineer.

COUNTY INFRACTION: A civil offense punishable by a civil penalty and issued by means of a citation.

COUNTY RECORDER: The County Recorder of Plymouth County, Iowa.

COUNTY ROAD: Any street, other than a highway, which is not located within a platted Subdivision approved by the County.

COUNTY TREASURER: The County Treasurer of Plymouth County, Iowa.

COUNTY ZONING ORDINANCE: The Plymouth County, Iowa, Zoning Ordinance

CUL-DE-SAC: A street having one end connection with a public street and being terminated at its other by a vehicular turn-around.

DEDICATION: shall mean the transfer of property by the owner to another party. Dedication usually refers to the transfer of property in the form of rights-of-way to a Governing Body.

DESIGN STANDARDS AND SPECIFICATIONS: All requirements and regulations relating to the design and layout of subdivision as set forth in this Ordinance.

DEVELOPER: The owner or his authorized agent of the land to be subdivided. Consent shall be required from the legal owner of the premises.

DIVISION: Dividing a tract or parcel of land into two (2) parcels of land by conveyance. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this Ordinance.

EASEMENT: A grant by the property owner to the public, a corporation, or persons of the use of a portion of a tract or parcel of land for a specific purpose or purposes.

EASEMENT OF ACCESS: An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway, which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private street.

ESCROW ACCOUNT: Shall mean a bank account that the developer deposits either cash, a note, a bond, or some other instrument readily convertible to cash in the amount determined necessary by the County Engineer to complete the required improvements in the event that the developer fails to do so. An escrow account is payable to the County on demand.

FINAL CONSTRUCTION PLANS: Shall mean the maps and detailed drawings of a Subdivision which show the specific location and design of improvements to be installed in the Subdivision in accordance with the provisions of this Ordinance.

FINAL PLAT: Shall mean the map or drawing of a Subdivision in its final form which is submitted with its accompanying material to the County for approval and which, if approved, will be submitted to the County Recorder for recording.

FORTY ACRE ALIQUOT PART: Shall mean One-quarter of one-quarter of a section.

FRONTAGE: Shall mean that portion of a tract or parcel abutting upon a street.

GOVERNMENT LOT: A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

GRADE: The slope of a street or other surfaces specified in percentage terms.

HIGHWAY: An officially designated federal or state numbered highway, or other major street or road designated by the County as a thoroughfare.

HORIZONTAL PROPERTY REGIME: shall mean a property that qualifies under the "Horizontal Property Act". All development, as defined under the "Horizontal Property Act" shall conform with Chapter 499B Code of Iowa.

LEGAL DESCRIPTION: shall mean a description of real property by government survey, metes and bounds, or lot numbers of a recorded plat including a description of any portion thereof subject to an easement or reservation, if any. Such must be complete enough that a particular parcel of land can be located and identified.

LETTER OF CREDIT: A letter of credit secured by the developer from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the developer fails to do so. The amount of the letter of credit shall be determined by the County Engineer and shall be payable to the County on demand.

LICENSED CIVIL ENGINEER: A licensed engineer authorized and licensed by the State of Iowa.

LICENSED LAND SURVEYOR: An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa, as amended.

LOT: (see Definitions in the Zoning Ordinance)

LOT AREA: (see Definitions in the Zoning Ordinance)

LOT, CORNER: (see Definitions in the Zoning Ordinance)

LOT DEPTH: (see Definitions in the Zoning Ordinance)

LOT, DOUBLE FRONTAGE: (see Definitions in the Zoning Ordinance)

LOT, FLAG: (see Definitions in the Zoning Ordinance)

LOT FRONTAGE: (see Definitions in the Zoning Ordinance)

LOT IMPROVEMENTS: Any building, structure, place, work of art, or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in this Ordinance.

LOT, INTERIOR: (see Definitions in the Zoning Ordinance)

LOT LINE: (see Definitions in the Zoning Ordinance)

LOT LINE, FRONT: (see Definitions in the Zoning Ordinance)

LOT LINE, REAR: (see Definitions in the Zoning Ordinance)

LOT LINE, SIDE: (see Definitions in the Zoning Ordinance)

LOT MEASUREMENTS: For the purposes of this Ordinance the following lot measurements shall apply:

LOT OF RECORD: (see Definitions in the Zoning Ordinance)

LOT, TYPES: For the purpose of this Ordinance the following types of lots are defined:

LOT WIDTH: (see Definitions in the Zoning Ordinance)

MAINTENANCE GAURANTEE (BOND): shall mean any security, other than cash, that may be accepted by the county to insure that required improvements will be maintained. (also see Performance guarantee)

MASTER PLAN: Shall mean, within the subdivision, the overall design concept for a proposed subdivision; including proposed phasing of final plats. Master Plans may only be required when the Subdivider also owns all the adjacent property.

METES AND BOUNDS DESCRIPTION: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of a parcel by reference to physical features of the land.

NONRESIDENTIAL SUBDIVISION: A Subdivision whose intended use is other than residential, such as commercial or industrial. Such Subdivision shall comply with the applicable provisions of this Ordinance.

OFFICIAL PLAT: A Subdivision plat that meets the requirements of this Ordinance and has been approved under the terms of this Ordinance.

OWNER: The holder of legal title including holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees, and the like. Whenever a statement of ownership is required by this Ordinance, full disclosure of all legal and equitable interests in the property is required.

PARCEL: (see Definitions in the Zoning Ordinance).

PEDESTRIAN WALKWAY: A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

PERFORMANCE GUARANTEE: (see Definitions in the Zoning Ordinance)

PERFORMANCE BOND: A kind of insurance, in the form of a bond payable to the County, in the amount determined necessary by the County Engineer to complete the required improvements in the event the developer fails to do so.

PERIMETER: shall mean the boundaries or borders of a lot, tract, or parcel of land.

PLANNED UNIT DEVELOPMENT: A project of a single owner or a group of owners acting jointly, involving a related group of residential and commercial uses and associated uses, planned as a single land use unit rather than as an aggregation of individual activities located on separate lots. The Planned Unit Development includes 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 and Subdivision 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 surrounding neighborhood. Approval of a Planned Unit Development does not eliminate the need of compliance with the provisions of this Ordinance.

PLAT: (see Definitions in the Zoning Ordinance)

PLAT OF SURVEY: The graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor, in accordance with Chapter 355, Code of Iowa, as amended.

PRELIMINARY PLAT: A map or drawing which shows the proposed layout and construction of a Subdivision and its proposed improvements in sufficient detail to indicate its workability in all respects, and which is submitted with its accompanying material to the County for approval, but is not drafted in final form for recording.

PROPRIETOR: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement or lien interest.

PROTECTIVE COVENANTS: Contracts entered into between private parties and which constitute restrictions of all private property within the Subdivision for the benefit of property owners against the lessening of property values.

PUBLIC IMPROVEMENT: Any street surface material, curbs, gutters, sidewalks, water or sewer systems, storm sewers or drainage systems, lot or street grading, street lighting, street signs, plantings or other items constructed for the welfare of the property owners and the public which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be properly bonded.

QUARTER-QUARTER SECTION: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.

REAL ESTATE IMPROVEMENT DISTRICT (R.E.I.D.): shall mean a development as regulated under Chapter 358C, Code of Iowa.

REPEAT OFFENSE: A recurring violation of the same section of the Plymouth County, Iowa, Subdivision Ordinance.

RESUBDIVISION/REPLAT: Any Subdivision of land that has previously been included in a recorded plat. In appropriate context it may be a verb referring to the act of preparing a plat of previously subdivided land. Re-Subdivision / re-plats shall follow the same procedure as set forth for a minor or major Subdivision, whichever may be applicable.

RIGHT-OF-WAY: The land area, the right to possession of which is secured or reserved for public purposes.

SOIL AND WATER CONSERVATION DISTRICT: The authorities designated by state or federal law.

STREET: (see Definitions in the Zoning Ordinance)

STREET, ARTERIAL: Any street serving major traffic movements which is designed primarily as a traffic carrier between cities and towns or between various sections of the County, which forms part of a network of through streets, or which provides service and access to abutting properties only as a secondary function.

STREET, COLLECTOR: Any street designed primarily to gather traffic from local streets and carry it to the arterial system.

STREET, DEAD-END: A local street having only one (1) outlet connecting to another street.

STREET, LOCAL: A street designed primarily to provide access to abutting properties and to discourage through traffic.

STREET, MARGINAL ACCESS: A local street which is parallel with an adjacent highway or arterial street and which provides access to abutting properties and provides protection from fast, through traffic on the highway or arterial street.

STREET, PRIVATE: All land between right-of-way lines dedicated to the public, but not accepted in a governmental road system.

STREET, PUBLIC: All land between right-of-way lines dedicated to and accepted by a governmental agency.

STREET, PUBLIC HARDSURFACED: A street which as a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, county or state regulations.

STREET RIGHT-OF-WAY LINE: A dividing line between a tract or parcel of land and the contiguous street. The boundary line of a street.

SUBDIVIDER: shall mean any person having an interest in land that is the subject of an application for subdivision.

OK **SUBDIVISION:** The division of a tract of land into three (3) or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, building development or lease. The term includes Re-Subdivision and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

MAJOR SUBDIVISION: All Subdivisions not classified as either a property line adjustment, property split, or minor Subdivision, including but not limited to any size Subdivision requiring new public or private streets, or the extension of any public facilities, or the creation of any public improvements.

SUBDIVISION: The division of a tract of land into three (3) or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, building development or lease. The term includes Re-Subdivision and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

MAJOR SUBDIVISION: All Subdivisions not classified as either a property line adjustment, property split, or minor Subdivision, including but not limited to any size Subdivision requiring new public or private streets, or the extension of any public facilities, or the creation of any public improvements.

MINOR SUBDIVISION: A Subdivision of land that meets the following criteria:

- A. All new lots shall front on and have direct access from an existing public street.
- B. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed Subdivision.
- C. No new lot shall conflict with any provisions or portion of the County Zoning Ordinance or this Ordinance.

PROPERTY SPLIT:

A Subdivision of a tract which meets the following criteria:

- A. The land proposed for division is an undivided quarter-quarter section.
- B. No more than 2 (two) parcels are created per quarter-quarter section.
- C. No new parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

PROPERTY LINE ADJUSTMENT:

A Subdivision of one (1) or more lots or parcels which meets the following criteria:

- A. No additional lots or parcels shall be created.
- B. No part of the divided lot or parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
- C. No new lot or parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

SUBDIVISION PLAT: The graphical representation of the Subdivision of land, prepared by a licensed land surveyor, having a number designation for each lot within the plat and a succinct name or title that is unique for the County and which meets the requirements of the Ordinance and has been approved in accordance with this Ordinance.

TRACT: An aliquot part of a section, a lot within an official plat, or a government lot.

VACATION: To make void or annul.

ZONING ADMINISTRATOR: The Zoning Administrator for Plymouth County, Iowa.

MINOR SUBDIVISION: A Subdivision of land that meets the following criteria:

- A. All new lots shall front on and have direct access from an existing public street.
- B. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed Subdivision.
- C. No new lot shall conflict with any provisions or portion of the County Zoning Ordinance or this Ordinance.

PROPERTY SPLIT:

A Subdivision of a tract which meets the following criteria:

- A. The land proposed for division is an undivided quarter-quarter section.
- B. No more than three (3) parcels are created per quarter-quarter section.
- C. No new parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

*per Zoning Board
Correction - should
be 2 parcels
(type on
Subdivision
regulations)*

PROPERTY LINE ADJUSTMENT:

A Subdivision of one (1) or more lots or parcels which meets the following criteria:

- A. No additional lots or parcels shall be created.
- B. No part of the divided lot or parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
- C. No new lot or parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

SUBDIVISION PLAT: The graphical representation of the Subdivision of land, prepared by a licensed land surveyor, having a number designation for each lot within the plat and a succinct name or title that is unique for the County and which meets the requirements of the Ordinance and has been approved in accordance with this Ordinance.

TENTATIVE PLAT: shall mean the process of reviewing a proposed subdivision prior to the actual submission of the Preliminary Plat. The Tentative Plat is intended for all parties to discuss the concepts, positive, negatives, and expectations of said subdivision.

TRACT: An aliquot part of a section, a lot within an official plat, or a government lot.

VACATION: To make void or annul.

ZONING ADMINISTRATOR: The Zoning Administrator for Plymouth County, Iowa.

Article III. TENTATIVE PLAT

Section 1. Tentative Plat Review

- A. Within seven (7) days after receiving an application for approval of subdivision, the Administrator shall schedule a Pre-submission Consultation to consider and review the application, and shall be available to confer with the Subdivider to develop a mutually acceptable Tentative Plat of the subdivision.
- B. The Tentative Plat shall show the location of the proposed subdivision (vicinity map); including: the proposed plan's relationship to the overall development scheme (master plan for total development), the proposed layout of streets, lots, and other features of the subdivision in relationship to existing conditions/adjacent development, conservation easements, proposed use of land, proposed parks, play grounds, and other public areas. The Tentative Plat may be a freehand sketch made on a map, in scale. The Subdivider shall submit with the Tentative Plat:
1. A statement describing the covenants, and available community facilities and utilities on, and adjacent to, the property to be subdivided;
 2. A statement of proposed protective covenants, if any, and;
 3. A statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth.
- C. The Zoning Administrator upon receipt of an application shall schedule pre-submission Consultation by a Subdivider. The Pre-submission Consultation shall include the County Engineer, County Sanitarian, and other County Officials responsible for the administration of these regulations. The Consultation shall include review of the procedural steps, design standards, required improvements, and platting requirements. During such meetings, no commitments shall be made which will be binding upon the County.
- D. If the Subdivider and the Pre-submission members are unable to reach an agreement on the characteristics of the Tentative Plat within thirty (30) days of the date the application was filed; then the Subdivider may appeal to the Planning and Zoning Commission on a determination of the characteristics of the Tentative Plat, on which the Subdivider and the Pre-submission members have been unable to agree. The Planning and Zoning Commission shall make such determination at its first regular meeting following the conclusion of the aforesaid thirty- (30) day period. If the Planning and Zoning Commission disapproves the Tentative Plat, it shall advise the Subdivider in writing of the reasons for disapproval.

Section 2. Approval of Tentative Plat

When a Subdivider has received written approval of a Tentative Plat from the County, then the Subdivider may proceed with the preparation of the preliminary plat.

Article IV. PRELIMINARY PLAT

Section 1. Application For Preliminary Plat Approval:

An application for preliminary plat approval shall be filed, upon the form provided, with the Zoning Administrator for submission to the Commission. The application shall be accompanied by a fee, as specified by the County Board. The application shall contain the following information and documentation:

- A. The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.
- B. The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the proposed Subdivision.
- C. The proposed name of the Subdivision which is not the same or similar to an existing Subdivision in the County.
- D. The street address or general location and legal description of the subject property.
- E. The present and proposed zoning district classification of the subject property.
- F. The existing and proposed uses of the subject property.
- G. A statement of any protective covenants or deed restrictions, in outline form, which are proposed to be recorded with the final plat.
- H. A statement of proposed method of water supply, sanitary sewage treatment and disposal of storm waters from the subject property.
 - 1. In the event private water wells are to be the proposed method of water supply, as provided in Article VII, Section **, the developer shall submit evidence of the availability of water on the site.
 - 2. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Article VII, Section **, the developer shall submit evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.
- I. A statement of the manner in which it is proposed to finance improvements.
- J. A statement of the general nature and type of improvements proposed for the Subdivision, and in what manner the developer intends to provide for their installation. The approximate time that such improvements will be completed shall be indicated.
- K. Fifteen (15) blackline / blueline print copies of the preliminary plat not greater than 18" x 24" on size, as described in Article IV, Section 2, along with one (1) reduced (11"x17" or 8 1/2" x 11" or 8 1/2" x 14") copy of the preliminary plat.
- L. Two (2) blackline/blueline print copies of the plans showing the typical cross sections and center line profiles, with approximate grades, of all proposed public or private streets.
- M. One (1) blackline/blueline print copy of the Erosion and Sedimentation Control Plan, approved by the Soil Conservation District, to show the plan of reducing erosion and controlling sediment on the Subdivision site during and after construction, prepared in accordance with this Ordinance and the standards and specifications of the Soil Conservation District and NPDES Stormwater Discharge Permit requirements from Iowa Department of Natural Resources..
- N. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

Section 2. Contents Of The Preliminary Plat:

The preliminary plat shall be prepared by a licensed engineer and licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet; provided, however, that those areas of more than one hundred (100) acres may be at a scale of one (1) inch equals two hundred (200) feet. The preliminary plat shall show the following:

- A. The name of the proposed Subdivision and an identification clearly stating that the document is a preliminary plat.
- B. The date of the document, approximate true north point and the scale of the document.
- C. The names and addresses of the owner of the land, the developer, if other than the owner, and the licensed engineer and licensed land surveyor who prepared the preliminary plat.
- D. A description of the subject property prepared by Licensed Land Surveyor, giving the location and dimensions of all boundary lines to be expressed in feet and decimals of a Foot (to the nearest 0.01 feet), with reference to section or quarter section lines.
- E. The following existing conditions shall be shown on the preliminary plat:
 - 1. The location, right-of-way width, surfacing width and names of all existing streets and easements of access, railroad right-of-ways, and utility easements within the Subdivision and within two hundred (200) feet thereof.
 - 2. The location of any existing permanent buildings within the proposed Subdivision and existing buildings in projected alignment of any proposed public or private streets outside of the proposed Subdivision and within two hundred (200) thereof.
 - 3. The location of pertinent features such as water bodies, wetlands (as determined by NRCS/US Army Corp of Engineers), wooded areas, isolated preservable trees, rock outcroppings, parks, cemeteries, bridges and other permanent structures.
 - 4. The location of all existing sanitary *systems*, ~~and~~ storm sewers, *wells*, culverts, water mains, gas lines and other underground installations within or immediately adjacent to the proposed Subdivision.
 - 5. The location of watercourses and drainage ditches.
 - 6. Proposed Subdivisions located within areas subject to flooding shall include a contour line depicting the boundary of one hundred (100) year flood as shown in the Plymouth County, Iowa, Flood Plain Study prepared by the Federal Emergency Management Agency.
 - 7. Contour lines or spot elevations related to some established bench mark or mean sea level or other datum having the following intervals, as follows:

Major Subdivision

- a. Five (5) foot contour intervals for ground slopes of ten (10) percent or more;
- b. Two (2) foot contour intervals for ground slopes of less than ten (10) percent; and
- c. Spot elevations where the ground is too flat for contours every 50 feet or less.

Minor Subdivision

- a. Ten (10) foot contour intervals for ground slopes of ten (10) percent or more
- b. Five (5) foot contour intervals for ground slopes of less than ten (10) percent
- c. Spot elevations where the ground is too flat for contours every 50 feet or less.

-
8. The location, elevation and descriptions of the bench mark controlling the survey.
- D. The following information with respect to the manner in which the subject property is to be developed shall be included on the preliminary plat:
1. The location, dimensions, identification number and lot area of all proposed lots.
 2. The location, right-of-way width, grades, surfacing width and names of all proposed public or private streets.
 3. The location, width and purpose of all proposed easements.
 4. The location and type of all proposed utilities.
 5. The location, dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation.
 6. The location and width of all proposed building setback lines.
 7. Indication of the use of all proposed lots, if other than single-family dwellings.
- E. A vicinity map adequately covering the area within one-half (1/2) mile radius of the proposed Subdivision, at a scale of not less than (1)inch equals two thousand (2000)feet, showing the relation of the plat to the surrounding properties, streets, parks, schools and major commercial or industrial developments, and the boundary of the drainage area affecting the plat.

Section 3. Application Acceptance:

The application shall be considered as officially filed after it has been examined by the Zoning Administrator and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.

Section 4. Distribution Of Preliminary Plat:

The Zoning Administrator shall transmit copies of the preliminary plat to the County Engineer, the County Auditor, Fire District, School District and such other official body or agencies as may be directed by the County Board. In addition to a copy of the preliminary plat, two (2) copies of the typical cross sections of the streets shall be transmitted to the County Engineer.

Section 5. Review Of Preliminary Plat:

Comments and recommendation shall be filed with the Zoning Administrator as soon as practical, but normally within fifteen (15) working days. Copies of the Zoning Administrator's comments and recommendations as well as those of the responding individuals and agencies shall be submitted to the Commission.

Section 6. Public Hearing By Commission:

Before taking final action on each application, the Commission may hold a public hearing thereon. Notice of a public hearing on a proposed Subdivision shall include the time and place of said public hearing and the place where the contents of the request may be examined, and shall be given in the following manner:

- A. A notice of the public hearing shall be given by at least one (1) publication in an official newspaper in the County, within the time frames required by the Iowa Code.\
- B. The Commission may recess a hearing in order to serve further notice upon other property owners or persons that the Commission determines may be interested in the amendment or

to obtain additional information. Upon recessing for this purpose, the Commission shall announce the time and date when said hearing will be resumed.

Section 7. Commission Recommendation:

The Commission shall transmit to the County Board its written recommendation. The Commission may recommend that the preliminary plat be approved; or it may recommend that the preliminary plat be approved with specified conditions; or it may recommend that the preliminary plat be disapproved.

Section 8. Public Hearing By County Board:

After receipt of the written recommendation on the proposed Subdivision from the Commission, the County Board shall hold a public hearing on the proposed Subdivision application. Notice of the public hearing shall be given as provided by law.

Section 9. County Board Action: The County Board shall consider the Commission's recommendation and shall either disapprove the preliminary plat; shall refer it back to the Commission for further consideration of specified matters; or shall, by resolution, approve the preliminary plat, with or without specified conditions to be accepted by the developer as a condition of such approval. Adoption of such a resolution shall require an affirmative vote of at least a majority of those voting.

Section 10. Record Of Approval:

Any resolution adopted by the County Board approving a preliminary plat shall be given an official resolution number and shall be spread in the minutes of proceedings of the County Board.

- A. Following County Board action, the Zoning Administrator shall notify, in writing, the developer of the County Board's decision.
- B. If the preliminary plat is approved by the County Board, the Zoning Administrator shall return a signed blackline / blueprint print copy of such plat to the developer.

Section 11. Effect Of Approval Of Preliminary Plat:

Approval of the preliminary plat shall not constitute final acceptance of the Subdivision by the County Board, but shall signify merely the general acceptability of the proposed Subdivision. Such approval shall be deemed to be authorization to proceed with the preparation of the final construction plans and the final plat.

Section 12. Effective Period Of Preliminary Plat Approval:

Within one (1) year from the day the County Board approves a preliminary plat, the developer shall apply for final plat approval, or the first part thereof if phased. If the Subdivision is phased, the developer shall apply for final plat approval of the second phase within two (2) years, the third phase with three (3) years, the fourth phase and the balance thereof within five (5) years from the date the preliminary plat was approved by the County Board. If the developer fails to apply for final plat approval within the appropriate time period, the preliminary plat, or remaining phase thereof, shall be void unless the developer requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.

Section 13. Extension Of Time Limitations: The County Board may grant an extension of time of not more than two (2) years from the date required for submission of a final plat or any part thereof if phased. If a developer applies for an extension of time of submission of any part of a phased Subdivision, which is subsequently granted by the County Board, equal extensions are automatically granted for each of the remaining phases. A developer may apply only once for an extension of time, whether or not the preliminary plat is phased. If the County Board refuses to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof is phased, to the County Board within the appropriate time originally required or sixty (60) days from the day the extension request is denied by the County Board.

Article V. FINAL CONSTRUCTION PLAN AND INSPECTION OF IMPROVEMENTS

Section 1. REQUIRED IMPROVEMENTS:

Upon County Board approval of a preliminary plat and prior to application for final plat approval, the developer shall:

- A. Construct and install the required improvements, or;
- B. Post a performance guarantee for the total cost of the improvements, or;
- C. Construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed.

Section 2. SUBMISSION OF THE FINAL CONSTRUCTION PLANS:

The developer shall have a licensed engineer prepare the final construction plans for the proposed required improvements containing the data and information specified in Article V, Section 2 under Subsection I, below. Four (4) blackline/blueline print copies of such plans shall be certified by a licensed engineer, and shall be submitted to the County Engineer in the following manner. The plans shall be accompanied by a fee as specified by the County Board.

- A. In the event the developer chooses to construct and install the required improvements, as specified in Article V, Section 1, Subsection A, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the construction will commence.
- B. In the event the developer chooses to post a performance guarantee for the total cost of the required improvements, as specified in Article V, Section 1, Subsection B, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the final plat is submitted for approval. Said final construction plans, upon submittal to the County Engineer, shall be accompanied by a detailed engineering estimate of cost for all improvements, estimated and certified by the developer's licensed engineer. These estimates will be utilized by the County Engineer for review and determination of the amount of the performance guarantee. The amount of the performance guarantee shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer.
- C. In the event the developer chooses to construct and install a portion of the required improvements and post a performance guarantee for the remainder of the improvements not completed, as specified in Article V, Section 1, Subsection C, said final construction plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the developer shall notify the County Engineer of his intent to post a performance guarantee for remaining improvements and shall submit the cost estimates for the remaining portion, as specified in Article V, Section 2, Subsection B.
- D. In the event one (1) year has lapsed since the issuance of the performance guarantee and construction of the required improvements has not been completed, it shall be the responsibility of the developer to resubmit the detailed engineering estimates of cost and a new performance guarantee as required in Article V, Section 2, Subsection B.

Section 3. Contents Of Final Construction Plans:

The final construction plans for required lot or public improvements shall contain the following data and information.

- A. Plans, details, specifications and cost estimates for street and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometrics for each street with a typical cross section. The profiles of grade lines shall be shown to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the County Engineer.
- B. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
- C. Plans, profiles, details, specifications and cost estimates proposed water distribution systems, water supply facilities and water hydrants, if any.
 1. Submittal of well test results, as provided in Article VII, Section 12, Subsection D, when so required by the County *Planning and Zoning Commission Board* at the time of preliminary plat approval.
- D. Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.
 1. Submittal of soil boring tests and/or percolation test results, as provided in Article VII, Section 13, Subsection C, when so required by the County *Planning and Zoning Commission and County Sanitarian Board* at the time of preliminary plat approval.
- E. Grading plans for all lots and other sites within the Subdivision, including details and specifications for soil erosion and sedimentation control, as per the NPDES Permit.
- F. When unusual site conditions exists, the County Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
- G. All plans shall be based on U.S.G.S. datum for vertical control.
- H. All plans for underground utilities shall be prepared by or at the direction of the utility company involved.

Section 4. Review Of Final Construction:

The County Engineer shall transmit a copy of the final construction plans to the Zoning Administrator for review and comments. The County Engineer shall review the final construction plans in order to determine whether such plans are consistent with the approved preliminary plat and comply with the design standards and specifications described in Article VII.

If such plans are consistent and do comply, the County Engineer shall submit a notice to the Zoning Administrator that they so conform and comply, and shall return one (1) signed copy of the approved final construction plans to the developer. In the event that such plans do not conform and comply, the County Engineer shall notify the developer of the specific manner in which plans do not conform or comply, and the developer may then correct such plans. If such plans are not corrected, the County Engineer shall transmit a notice to the Zoning Administrator as to the items of nonconformity or noncompliance.

Section 5. Construction Of Improvements:

No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the final construction plans shall have been approved by the County Engineer.

Section 6. Inspection:

It is the responsibility of the developer to oversee the construction operations of the required improvements to assure that the work performed is in accordance with the final construction plans. Therefore the developer shall provide:

- A. Full time construction inspection by a qualified inspector, other than an inspector from the designing firm, as approved by the County Engineer during all phases of the construction. Daily progress reports must be maintained and submitted weekly to the County Engineer.
- B. Quality control testing shall be performed by the developer and the results submitted to the County Engineer.

Section 7. Final Inspection:

Upon completion of all improvements within the area covered by the final plat, the developer shall notify the County Engineer, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final construction plans, the County Engineer shall notify, in writing, the developer of such defects, deficiencies or deviations and the developer shall, at his sole cost and expense, correct such defects, deficiencies or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the developer shall again notify the County Engineer that the improvements are again ready for final inspection.

Section 8. Acceptance Of Improvements:

Prior to, written (certified) acceptance of the required improvements by the County Engineer, the developer shall provide:

- A. A certification by the developer's licensed engineer that the work was completed in accordance with plans and specifications and meets all applicable County standards.
- B. One (1) set of "as built" dimensionally stable plastic film and two (2) blackline/blueline print copies will be required to be submitted to the County Engineer prior to approval of the completed construction of the required improvements.

Section 9. Report To County Board:

If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations the County Engineer shall certify to the County Board, within five (5) working days from the completion of inspection, that all improvements have been installed in conformity with the final construction plans. The receipt of such notification by the County Board shall constitute the date on which the two (2) year period specified in Article V, Section 7 shall commence.

Section 10. Maintenance Bond:

The developer shall warrant the design, materials and workmanship of all required improvements, installations and construction for a period of two (2) years from and after completion. Such warranty shall be by a bond or other acceptable collateral, which shall assure the expedient repair

or replacement of defective improvements under warranty and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

Completion shall be designated by written certification that work completed in accordance with Article V, Section 8.

Section 11. Rural Residential Subdivision:

Upon the request of a developer and the recommendation of the Commission, the County Board may designate a proposed Subdivision situated within a R-1 (Rural Residential) District as a Rural Residential Subdivision, which shall comply with the following standards and requirements of these regulations except as modified below:

- A. In order to prevent private streets from being used as collector street, such streets may be approved only under one (1) or more of the following conditions:
 - 1. Topographic conditions such as rivers, streams, ravines, or bluffs exist which would make it impractical to develop a collector or street.
 - 2. Only frontage roads, loop streets, cul-de-sacs, or other similar street designs are proposed for the Subdivision.
 - 3. Other conditions similar to the above that may warrant private streets as determined by the County Board.
- B. In all Rural Residential Subdivisions where private streets are to be approved, the improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety, and welfare.
 - 1. All private streets shall conform to the standards and requirements of regulations as set forth in Article V, Sections 1 through 9, except Section 8; and as set forth in Article VII, except as modified herein.
 - 2. The minimum right-of-way width shall be eighty (80) feet.
 - 3. The minimum roadway top width shall be twenty-eight (28) feet.
 - 4. Private streets shall be constructed with an adequately compacted subsoil base and proper drainage which shall be designed, inspected and certified by licensed engineer, and which shall be reviewed and approved by the County Engineer before the traffic surface is laid.
 - 5. The private streets shall comply with the specifications of the County Engineer and shall be improved by, no less than, base stabilization and seal coated with MC800.
 - 6. The proposed storm sewer water drainage system shall be designed, inspected and certified by a licensed engineer and shall be reviewed and approved by the County Engineer before its construction is commenced.
 - 7. Signs identifying the beginning of a private street system shall be placed at each ~~location~~ *location* where a private street has access onto an existing street. Such signs shall be designed and constructed in accordance with the provisions of the Manual of Uniform Traffic Control Devices (MUTCD), as amended. The County Engineer or other appropriate State officials shall approve the placement of such signs, which shall be installed by the developer and maintained by the Road Association.
- C. In all Rural Residential Subdivisions where private streets are to be approved, a Road Association agreement shall be established to:
 - 1. guarantee access to all lots,

2. insure repair and maintenance of said facilities, including but not limited to the seal coat material specified in Article V, Section 11, Subsection B, Number 7, and
 3. such other requirements as stipulated by the County.
- D. No private street hereafter created shall become part of any County road system as defined in Chapter 306, Code of Iowa, as amended; and no improvements shall be made by the County, nor shall the County incur any expense for maintenance or repair of private streets or other facilities unless and until such streets and facilities shall have been improved in accordance with the standards and requirements of these regulations for a public street or improvement applicable at the time of dedication and accepted by the County.
- E. An agreement between the Road Association and the County Board shall be required and shall provide, if the right-of-way is to be dedicated at any time in the future, that prior to such dedication, the Association shall bring the street up to the standards and requirements for public streets applicable at the time of such dedication.
- F. An agreement between the Road Association and the County Board shall be required and shall provide that in the event the Association requests the County to accept the private street as public streets, and the clear title of the street right-of-way cannot be readily established, the County may exercise its right of eminent domain and condemn for title the street right-of-way. All expenses incurred by the County for such action, including preparation, hearings, documentation, and damage awards, shall be paid by the Road Association.
- G. Where private streets exist as of the effective date of these regulations and a new plat is proposed to gain access from these private streets, such plat will not be considered until the new plat owner has secured in writing the approval of the owners of all lots having legal access to the existing private streets. This approval shall include the willingness of all lot owners to enter into an association of lot owners in the form of a legal and valid document binding said owners to the repair and maintenance of existing private streets.

- E. The exact location and layout of lots, public or private streets with accurate dimensions in feet and decimals of feet, interior angles, length and radii, arcs and intermediate tangents of all curves, and with all other information necessary to reproduce the plat on the ground.
- F. The location of all existing and new streets within the Subdivision.
- G. The names and width of all existing and new streets within the Subdivision.
- H. The lot number and area of each lot within the Subdivision. The data on the area of each lot may be shown in a table format on the plat page on which said lot is drawn.
- I. The location of all easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the Subdivision must be shown. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certification of identification.
- J. The recorded reference of any protective covenants or deed restrictions affecting the Subdivision shall be shown as a notation on the final plat.
- K. A statement by the proprietors and their spouse, if any, as required by Chapter 354.11, Code of Iowa, as amended.
- L. A certificate signed by a licensed land surveyor, as required by Chapter 355, Code of Iowa.
- M. A certificate to be signed by the Zoning Administrator approving the final plat with respect to compliance with the requirements of the County Zoning Ordinance.
- N. A certificate to be signed by the County Engineer approving the final plat with respect to public improvements, if any.
- O. A certificate for approval of the County Board to be signed by the Chairman and attested by the County Auditor.
- P. If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City.

Section 3. Application Acceptance:

The application shall be considered as officially filed after it has been examined by the Zoning Administrator and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.

Section 4. Review Of Final Plat:

The Zoning Administrator shall transmit copies of the final plat to the County Engineer. Copies of the Zoning Administrator's comments and recommendations, as well as those of the County Engineer, shall be submitted to the County Board.

Section 5. Public Meeting By County Board:

The County Board shall consider the proposed final plat at public meeting. Notice of the public meeting shall be given as specified in Chapter 21, Code of Iowa, as amended.

Section 6. County Board Action:

The County Board shall, within sixty (60) days from the date of application acceptance for final plat approval, either disapprove the final plat or shall, by resolution, approve the final plat and accept the dedication of all streets, easements, parks and other public grounds for public use.

Adoption of a resolution shall require an affirmative vote of at least a majority of those voting.

Section 7. Record Of Approval:

Any resolution adopted by the County Board approving a final plat shall be given an official resolution number and shall be spread in the minutes of proceedings of the County Board.

- A. The Zoning Administrator shall notify, in writing, the developer of the County Board's decision.
- B. If the final plat is approved by the County Board, the Zoning Administrator, after having retained one (1) blackline/blueline print copy and one (1) reduced copy of such plat, shall return all other copies to the developer, who shall retain one (1) print copy and distribute the others as follows:
 - 1. One (1) print copy, at a size of not less than 11" x 17", to each of the following: County Engineer, County Auditor, County Assessor, and the appropriate City, if any.
 - 2. One (1) print copy, at a size of not less than 11" x 17", to the County Recorder, to be recorded in accordance with the provisions of Chapter 354, Code of Iowa.

Section 8. Recording Final Plat:

Approval of the final plat by the County Board shall be null and void if the final plat is not recorded with the County Recorder within ninety (90) days after the date of approval, unless an extension is requested by the developer within that time and granted by the County Board.

Section 9. Failure To Construct Required Improvements:

In the event a developer has posted a performance guarantee in lieu of actual construction of required improvements, the County Board may, thirty (30) days prior to the expiration of the performance guarantee, review the development of the Subdivision and may direct the County Engineer to execute the performance guarantee in order to assure that the required improvements are completed.

Article VII. DESIGN STANDARDS

Section 1. Conformance To Applicable Rules And Regulations:

No Subdivision shall be approved and accepted by the County unless it conforms to the minimum requirements contained herein. In addition to these requirements, all Subdivisions shall comply with the following:

- A. The County Zoning Ordinance and all other applicable laws, rules and regulations of the appropriate local jurisdictions.
- B. The Comprehensive Land Use Plan and all other applicable plans adopted by the County.
- C. All applicable standards established and regulations adopted by the County Engineer and all officers, departments and boards of the County.
- D. All applicable laws, rules and regulations of the State and its duly constituted agencies.
- E. Approval may be withheld if Subdivision is not in conformity with the above laws, rules and regulations, and the purposes of this Ordinance, as established in Article I, Section

Section 2. Land Suitability:

No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare of the future residents of the Subdivision or the residents of the County, until such time as conditions causing the unsuitability are corrected. The following general standards shall apply:

- A. The County Board, may when it deems it necessary for the health, safety or welfare of the present or future residents of the area, or necessary for the conservation of water, drainage and sanitary facilities, prohibit the Subdivision of any portion of the property which lies within the one hundred (100) year flood plain of any river or stream, into individual lots.
 1. Residential Subdivisions shall provide all lots with a means of vehicular access that will remain passable during an occurrence of a one hundred (100) year flood.
- B. Whenever a Subdivision is submitted for an area which is subject to ponding or poor drainage, the County Board may approve such Subdivision, subject to local, State, and federal (404 CFR) regulations, provided the developer fills the affected area of the Subdivision to an elevation sufficient to place the elevation of the streets and lots at a minimum of one (1) foot above the elevation of the maximum probable flooding, as determined by the developer's engineer, and approved by the County Engineer. Such Subdivision shall provide for an overflow area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow area nor any structure be erected or placed therein. The boundaries of the overflow area shall be subject to the approval of the County Engineer. Areas of extreme ponding or poor drainage should be discouraged.
- C. Whenever a Subdivision is submitted for an area which is intended to be served by individual septic systems, the County Board may disapprove such Subdivision if any of the following conditions exist:
 1. Lands altered or filled with non-earth materials.
 2. Soils having a percolation rate of slower than one (1) inch per sixty (60) minutes.
 3. Lands drained by farm drainage tile or farm ditch systems.
 4. Lands having rock, impervious clay or ground waters closer than thirty-six (36) inches to the final grade of the ground.

- D. Whenever a Subdivision is submitted for an area where soil types indicate problems of erosion and sedimentation control, sanitary waste disposal, unstable foundations for streets and/or buildings and similar problems, the County Board may approve the Subdivision provided the developer submits plans to correct and alleviate such unsatisfactory conditions.
- E. The County Board, in applying the provisions of this Section, shall in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the developer the opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the County Board may affirm, modify or withdraw its determination of unsuitability.

Section 3. Parks And Open Spaces:

In all residential Subdivisions wherein the majority of the lots have a lot area of ten thousand (10,000) square feet or less there shall be usable common open space dedicated or reserved for common open space land. Said open space land shall be developed as follows:

- A. A minimum area of ten thousand (10,000) square feet, plus an additional two thousand (2,000) square feet for each lot over fifteen (15) lots, dedicated or reserved a usable, common open space dedicated or reserved for common open space.
- B. The common open space shall be easily accessible to all property owners within the Subdivision;
- C. Common open space land shall be clearly designated on the Subdivision plat as to character of use and development, and that it is intended for the private use of the residents of the Subdivision.
- D. The following may be included in or considered part of common open space:
 - 1. Environmentally sensitive land such as stream beds, marshes, and steep slopes; provided.
- G. The following shall not be included in or considered part of the common open space:
 - 1. Areas reserved for the exclusive use or benefit of an individual tenant or property owner;
 - 2. Dedicated streets, common wells, sewer treatment facilities, open drainage ditches, drainage storage areas, other public right-of-ways, and other areas deemed unsuitable open spaces;
 - 3. Vehicular drives, parking, loading and storage area.
- H. Suitable provisions for maintenance and upkeep of open space shall be provided through a homeowner's association, deed covenants, or through other similar provisions as may be approved by the County Board.

Section 4. Lot Drainage:

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be Coordinated with the general storm drainage pattern of the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

Section 5. Waterbodies And Watercourses:

If the tract being subdivided contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of adjacent lots. The County Board may approve an alternate plan whereby the ownership of and responsibility for the safe maintenance of the water body is so placed that it will not become a County responsibility. None of

the land that is under water shall be utilized to meet the minimum area of the lot required under the County Zoning Ordinance. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for the installation of a culvert or other structure, in accordance with standards and specifications approved by the County Engineer.

Section 6. Lots:

The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing zoning permits to build on all lots in compliance with the County Zoning Ordinance and in providing driveway access to buildings on such lots from an approved street.

- A. Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both streets.
- B. Every lot shall abut and have access to a public or private street.
- C. Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

Section 7. Street Layout And Design:

The arrangement, character, extent, width, grade and location of all streets shall be designed with consideration of and in relationship to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such streets. The layout and design of streets in all Subdivisions shall conform to the following:

- A. Streets shall provide, where practical, for the continuation or appropriate projection of existing streets in the surrounding area.
- B. Streets shall be related appropriately to the topography. ~~Local streets shall be curved wherever possible to avoid conformity of lot appearance.~~ All streets shall be arranged so as to obtain as many as possible of the building sites at, ~~at~~ or above, the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.
- C. Streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed uses.
- D. Local streets shall be laid out to conform as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access of property.
- ~~E. The rigid rectangular gridiron street pattern should be avoided wherever possible and the use of curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable layout.~~
- F. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by the topography or other physical conditions, or unless in the opinion of the County Board such extension is not necessary or desirable for the coordination of the layout of the Subdivision with the existing layout or the most advantageous future development of adjacent tracts.

Section 8. Street Standards:

Street standards including, but not limited to, Right-of-way widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the County Engineer.

- A. Dead-end streets, designed to be so permanently, shall be no longer than one thousand three hundred fifty (1350) feet. All permanent dead-end streets shall terminate in a cul-de-sac with a minimum right-of-way diameter of one hundred (100) feet.
- B. Dead-end streets, designed to be so temporarily, shall extend to the property line. A temporary "T" shaped turnaround shall be provided on all temporary dead-end streets, with the notation on the final plat that the land outside of the normal street right-of-way shall revert to abutting landowners whenever the street is continued. The length of a temporary dead-end street shall not exceed one thousand three hundred and twenty (1,320) feet.
- C. Guard rails and warning posts shall be placed as required by the County, along the shoulder of any street where the construction of such street has created a severe embankment.
- D. Curb and gutter type construction of streets may be required by the County in subdivisions wherein lot density and topography has the potential of creating erosion, drainage and/or stormwater management problems.
- E. Bump correction or smoothness correction or both may be required.

Section 9. Water Supply:

The developer shall make provisions for an approved, adequate supply of potable water to every lot in the subdivision as follows, (note: no construction shall start until receipt of an Iowa DNR permit):

- A. Where an adequate public water supply system is reasonably accessible, the developer shall provide a complete public water supply system, including all hydrants, valves and other appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall extend into and through the subdivision and shall be connected to a public water system. Such water supply system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities. All water mains shall be of such size as to support the use of fire hydrants, as described below. Fire hydrants shall be required for all subdivisions provided with a public water supply. Fire hydrants shall be placed in accordance with the Uniform Fire Code. To eliminate future street excavations, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final surfacing of a street shown on the final plat.
- B. Where an adequate public water supply system is not reasonably accessible, the developer may provide a complete common water supply. Such water supply system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
- C. Where an adequate public or common water supply system is not reasonably accessible or not required, private water wells may be used for the purpose of providing a private water supply system.

1. The developer shall submit, with the preliminary plat, acceptable evidence of the availability of water on the site. The developer may be required to make one (1) or more test wells within the boundaries of the subdivision if the evidence is deemed unacceptable by the County Board. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with Plymouth County Sanitarian.
2. Private water wells, if approved, may be drilled at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

Section 10. Sanitary Sewer:

The developer shall make provisions for an approved, sanitary means of sewage disposal for every lot in the subdivision as follows (note: no construction shall start until receipt of *permit from Plymouth County Sanitarian. ~~an Iowa DNR permit~~*):

- A. Where an adequate public sanitary sewer system is reasonably accessible, the developer shall provide a complete public sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall extend into and through the subdivision and shall connect to a public sanitary sewer system. Such sanitary sewer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.
- B. Where an adequate public sanitary sewer system is not reasonably accessible, the developer may provide a complete common sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.
- C. Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.
 1. The developer, shall submit, with the preliminary plat, acceptable evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site. The developer may be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision if the County Board deems the evidence unacceptable. Each test hole shall be numbered and its location and results shown on the final construction plans. All tests shall be performed in accordance with the Plymouth County Sanitarian.
 2. Lots where onsite wastewater treatment and disposal systems are proposed shall provide adequate space for two (2) such systems. The area dedicated for the second system is provided as a back up when the first system fails.
 3. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

Section 11. Storm Sewer:

Adequate storm sewer systems shall be planned and constructed as required throughout the Subdivision to carry off storm water from all inlets and catch basins and be connected to an approved outfall. Storm water detention shall be provided where required to meet the Iowa Individual Drainage Rights, in accordance with Chapter 468, Subchapter V, Section 468.600 of the

Code of Iowa. Stormwater sewers or a surface drainage system shall be provided to serve adequately the area being subdivided, considering but not limited to the use of existing drainage channels whenever possible. The design of the drainage system shall consider the storm drainage area of which the Subdivision is a part and existing watercourses. All storm drainage facilities shall be constructed based upon criteria established by the County.

Section 12. Easements:

Easements shall be provided for utility service, including storm sewer drainage structures, where necessary. Easements for sanitary sewer, storm sewer facilities and water supply and distribution lines shall be at least twenty (20) feet in width and other easements shall be at ten (10) feet in Width. All easements shall be established for water, sewer, telephone, electrical, cable, data transmission and other as yet unidentified technologies at the front, rear and side of each lot and to provide continuity of alignment from block to block. However, the combined width of such easements shall be equally divided between adjoining lots within any proposed Subdivision.

- A. All utility distribution lines for telephone, electric, natural gas data transmission, cable television service and other as yet unidentified technologies to be installed shall be placed underground within easements or dedicated public right-of-ways. The installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the State of Iowa, now or hereafter effective. The owner or developer of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities.
- B. Where a Subdivision is traversed by a watercourse, drainage way, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated storm water drainage through and from the Subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and to allow access to the structure for construction and maintenance equipment.

Section 13. Reserve Strips:

The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

Section 14. Street Names:

The proposed names of all new streets shall be shown on the preliminary plat and such names shall be sufficiently different in sound and in spelling from other street names in the County so as not to cause confusion. The County Board reserves the right to alter or change the proposed name of any street at any time prior to the approval of the final plat. Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street, shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or other similar suffix.

Section 15. Street Regulatory Signs:

At the time of final plat approval, the developer shall pay the County the total cost, including installation, for all street regulatory signs, including street name signs, required by the County ~~Engineer~~ along all streets and at all intersections within or abutting the Subdivision.

Section 16. Private Streets:

Upon the request of the developer with an application for a preliminary plat and the recommendation of the Commission, the County Board may approve a Subdivision within the R-1 (Rural Residential) District wherein access to the lots is provided by private streets, provided such streets are improved in accordance with the design standards and specifications set forth in these regulations and are dedicated to the public in accordance with the provisions of Article V.

Section 17. Entrances Into Individual Lots:

It shall be the financial responsibility of the developer to pay for the material and labor required to install individual driveway entrance tubes along County roads, when so required. This expense may be borne by a subsequent lot owner at the time development of the lot takes place.

Section 18. Monumentation:

The surveyor shall cause to be placed permanent reference monuments in the Subdivision as required in Chapter 355, Code of Iowa, as amended.

Section 19. Self-imposed Restrictions:

The County Board, following the review and comment of the Commission, shall have the right to agree with the developer regarding the type and character of the development to be permitted within the Subdivision, and may require that certain minimum regulations regarding this matter be incorporated in any protective covenants or deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate character of development in the property to which is subdivided.

Article VIII. AMENDMENTS

Section 1. County Board May Amend Ordinance:

Whenever the public necessity, convenience, general welfare or good Subdivision practice require, the County Board may by ordinance subject to the procedure provided in this Chapter amend the text of this Ordinance or amendments thereof.

Section 2. Authorization For Amendments:

An amendment to the text of this Ordinance may be initiated by action of the County Board or Commission; or by application of an owner of property situated within the County.

Section 3. Application For Amendments:

An application for an amendment shall be filed, upon the form provided, with the Zoning Administrator for submission to the Commission. The application shall be accompanied by a fee as specified by the County Board and by such data and information as may be prescribed by the Commission. An application for a zoning text amendment shall contain a statement setting forth the proposed amendment or supplemental to the regulations of this Ordinance. The application shall contain the following information and documentation:

- A. The name, addresses, and telephone number of the owner of the land and the applicant, if other than the owner.
- B. The precise wording of the proposed amendment.
- C. A statement of the need and justification for the proposed amendment.
- D. Such other and further information and documentation as the Zoning Administrator, Commission or County Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

Section 3. Public Hearing By Commission:

Before taking final action on a proposed amendment to the text of this Ordinance the Commission may hold a public hearing thereon. Notice of a public hearing shall include the time and place of said public hearing and the place where the contents of the amendment may be examined, and shall be given in the following manner:

- A. A notice of the public hearing shall be given by one (1) publication in an all of the official newspapers in the County neither less than four (4) nor more than twenty (20) days prior to the public hearing.
- B. The Commission may recess a hearing in order to serve further notice upon persons that the Commission determines may be interested in the amendment or to obtain additional information. Upon recessing for this purpose, the Commission shall announce the time and date when said hearing will be resumed.

Section 4. Commission Recommendation:

Following such hearing the Commission may recommend that the application be granted as requested, or it may recommend a modification of the text amendment requested, or it may recommend that the application be denied. It shall be the duty of the Commission to submit to the County Board its written recommendation on all applications for amendments, supplements, or changed to the regulations established by this Ordinance.

Section 5. Public Hearings By County Board:

After receipt of the written recommendation on the proposed amendment from the Commission, the County Board shall hold a public hearing thereon.

Section 6. County Board Action:

Following such public hearing, the County Board shall consider such recommendation by the Commission and vote upon the passage of the proposed amendment. Passage of the proposed amendment shall require an affirmative vote of not less than a simple majority of the entire County Board.

Section 7. Record Of Amendment:

In addition to the official ordinance number enacting the provisions of this Ordinance, all ordinances passed and approved by the County Board amending the text of this Ordinance shall be given individual supplemental numbers. The Zoning Administrator shall maintain a current, permanent record of all amendments to the text of the Ordinance in a form convenient for public inspections.

Article IX. FEES

Section 1. Filing Fees Required:

A filing fee in accordance with the established fee schedule shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitting the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.

Section 2. Fee Schedule:

The fee schedule as established by the County Board for matters pertaining to this Ordinance.

Section 3. Payment Of Fees:

All fees mentioned above shall be paid to the Zoning Administrator for transfer to the County Treasurer for the general fund of Plymouth County, Iowa.

Section 4. Fee Refund:

Whether the request is granted or denied by the Zoning Administrator, County Engineer, Commission, or County Board the applicant shall not be entitled to a refund of the fee paid.