

CHAPTER 4
JONES COUNTY SUBDIVISION ORDINANCE
TITLE VI - PROPERTY & LAND USE

**ARTICLE I
GENERAL**

SECTION 1. TITLE

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

SECTION 2. OVERVIEW

This Ordinance requires that upon compliance with any land use or zoning requirements, certain property shall be subdivided under guidelines set by this Ordinance. Under the terms of this Ordinance, proposed subdivisions shall be built on land suitable for the use of the subdivision and that lot sizes meet zoning requirements. This Ordinance also establishes procedures by which proposed subdivision plats are presented to the County.

SECTION 3. PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with, and as authorized by 2007 Iowa Code Chapter 354, Platting - Division and Subdivision of Land, and 2007 Iowa Code Chapter 331, County Home Rule. The purpose of this Ordinance is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that existing land uses will be protected, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan of Jones County as set out in the Land Use Plan prepared by the Jones County Land Use Plan Advisory Board, and to promote the public health, safety and general welfare of the citizens of Jones County, Iowa.

SECTION 4. SCOPE OF ORDINANCE

Every owner of any tract of land located within an unincorporated area of Jones County, Iowa, who subdivides or plats said tract or parcel into three (3) or more parts, any part of which is less than forty (40) acres, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage, or suburban lots, within the County, shall cause a subdivision of such area to be made in conformity with the restrictions and procedures set forth in this Ordinance. Except as may be hereinafter specified, no construction of any structure in a subdivision shall commence until the final plat and required attachments are recorded with the Jones County Recorder.

SECTION 5. AGRICULTURAL LAND EXCLUDED

Any subdivision in which all of the tracts of land within said subdivision are intended to be placed into agricultural use, and which are actually placed into an agricultural use, are exempt from the requirements of this ordinance. Said agricultural subdivisions, or any other subdivision which may be exempt from the requirements of this Ordinance, are still subject to all of the requirements of 2007 Iowa Code Chapter 354, including any plat approval requirements of said chapter.

**ARTICLE II
DEFINITIONS**

SECTION 1. GENERAL

For the purpose of this Ordinance, certain terms and phrases shall be deemed to have the meaning ascribed to them in this section. Words in the singular number include the plural, those in the plural number include the singular. Words in the present tense include the past and future tenses, and the future, the present tense. The masculine gender shall include the feminine and neuter genders. The word "shall" is mandatory, while the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

SECTION 2. DEFINITIONS

The following definitions shall apply for purposes of this Ordinance:

- A. Acquisition Plat: The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having power of eminent domain.
- B. Agricultural Use: The land, structure, or use, while so used, which are primarily adapted for farmland, farms, farm operations, and farm dwellings; and the necessary accessory uses for treating or storing the farm products; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activity. For purposes of this Ordinance and its implementation, this definition includes private open space, including but not limited to woodlands, wetlands, native and open prairies, surface waters and wildlife habitats.
- C. Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
- D. Alley: Public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
- E. Auditor's Plat: A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor.
- F. Block: An area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tract of public land, or the boundary of the subdivision.
- G. Board of Supervisors: The Board of Supervisors of Jones County, Iowa.
- H. Comprehensive Plan: The Jones County Land Use Plan.
- I. Conveyance: The transfer of title to land which may be evidenced by the filing of an instrument with the County Recorder, including any form of deed or contract.
- J. Developer: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
- K. Division: The dividing of a tract or parcel of land into two (2) or more parcels by conveyance or for tax purposes, except the conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this Ordinance.
- L. Easement: An authorization by a property owner for another to use a designated part of the property for a specified purpose.
- M. Flood Hazard Area: Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood, as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

- N. Floodway: The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
- O. Government Lot: A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
- P. Improvements: Changes to land necessary to prepare it for building sites, including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers and drainage ways.
- Q. Initial Plat: A subdivider's proposed map, drawn to scale and including the subdivision's proposed layout, which shall comply with the requirements set out in this Ordinance and is intended to be used as the starting point for the development of a final plat.
- R. Land Use Administrator: The person assigned by the Board of Supervisors with the duty to administer this Ordinance and enforce its provisions.
- S. Lot: Any tract of land represented and identified by number or letter designation on an official plat.
- T. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
- U. Parcel: A part of a tract of land.
- V. Plat: The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
- W. Plat of Survey: The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
- X. Resubdivision: 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 or preparing a plat of previously subdivided land.
- Y. Street: Public or private property, not an alley, intended for vehicular circulation. In appropriate context, it may refer to the right-of-way bounded by the property lines of such public or private property, or may refer to the paving installed within such right-of-way.
- Z. Subdivider: The owner of property being subdivided, or such other person or entity empowered to act on the owner's behalf.
- AA. Subdivision: The division of land by the owner into three (3) or more parts for the purpose of transferring of ownership or building a development. The term when appropriate to the context, may refer to the process of subdividing or to land subdivided.
- BB. Subdivision Plat: The recorded graphical representation of the

subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

- CC. Tract: An aliquot part of a section, a lot within an official plat, or government lot.
- DD. Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, telephone, and cable television.
- EE. Structure: Anything constructed or erected with a fixed, or temporary, location in the ground, on the ground, attached to the ground, or which is attached to something having a permanent or temporary location on the ground, including, but not limited to foundations, buildings, homes, factory-built homes or buildings, billboards, or poster panels, sheds, storage tanks, or similar uses.

**ARTICLE III
PREEXISTING SUBDIVISIONS**

SECTION 1. PREEXISTING SUBDIVISION PROVISIONS

This Ordinance recognizes subdivisions of land which were established and lawful prior to the adoption of this Ordinance. Said preexisting subdivisions are permitted to continue, and shall not be affected by the requirements of this Ordinance.

SECTION 2. ADDITIONAL SUBDIVISIONS

The provisions of this Ordinance shall apply to any part of a preexisting subdivision which is subjected to resubdivision.

SECTION 3. RECORD OF PREEXISTING SUBDIVISIONS

Preexisting subdivisions shall be recorded and identified in the official preexisting subdivision file maintained by the Land Use Administrator. The file shall include, but not be limited to, the property location and identification.

**ARTICLE IV
SUBDIVISION DESIGN**

SECTION 1. IMPROVEMENTS REQUIRED

The subdivider shall, at their own expense, install, construct and maintain any improvements required by this ordinance. In no case shall Jones County own, operate or maintain the improvements required in this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County, and as shown on the approved final plat.

SECTION 2. INSPECTIONS

All improvements shall be inspected to ensure compliance with the requirements of the final plat. The cost of such inspection shall be borne by the subdivider.

SECTION 3. LAND SUITABILITY

No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, as determined by the Natural Resource and Conservation Service (NRCS) soil survey, unless such unsuitable conditions are corrected to the satisfaction of the Board of Supervisors.

SECTION 4. LANDS IN FLOOD PLAINS

No subdivision containing land located in a floodway or a flood hazard area shall be approved by the Board of Supervisors unless it meets at least one of the following criteria:

- A. Each lot within the subdivision is of such size and shape that it contains a buildable area outside of the floodway or flood hazard area.
- B. The floodway or flood hazard area is reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the Board of Supervisors, providing for its care and maintenance by such owners.
- C. The floodway or flood hazard area, if approved by the Board of Supervisors, is dedicated to the County as public open space for recreation or for flood control purposes.

SECTION 5. LOT USES, SETBACKS AND SIZE

Lot use, setbacks and size within the subdivision shall meet the Jones County Zoning ordinance. Developers are responsible for drafting restrictive covenants, which shall run with the land. Regardless of their size, lot arrangement and design shall also be such that all lots will provide satisfactory building sites, properly related to topography and to land uses for that lot and all other surrounding land.

SECTION 6. LOCATION

No subdivision shall be approved unless the entrance of the subdivision is within ½ mile of a hard surface road.

SECTION 7. SUBDIVISION FENCING REQUIREMENTS

At the time of approval of the final plat, the subdivider of any property where the adjoining land may be used for agricultural purposes shall be responsible for the construction and maintenance of all perimeter fences between the subdivision and adjoining land used for agricultural purposes, unless an agreement is established between the subdivider and the adjoining property owners. Fence construction should be sufficient to turn livestock and shall comply with Chapter 359A.18 Lawful Fence of the Iowa Code with respect to materials and construction specifications.

In all plats where a fence is required, the subdivider shall submit, prior to approval of the final plat, an executed fencing agreement that sets forth provisions for maintenance and, at a minimum, the following requirements:

- A. A statement that the agreement shall be binding on the parties, heirs and assigns.
- B. A statement that the agreement shall run with the land.
- D. A termination clause effective upon the subdivision of the adjoining property for non-agricultural purposes.

**ARTICLE V
MINIMUM IMPROVEMENTS**

SECTION 1. MINIMUM IMPROVEMENTS

Non-agricultural or residential subdivisions, or any subdivision which will include any new road, or alteration of natural drainage ways, or the installation of sewage collection or water facilities, shall adhere to the following minimum standards. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

SECTION 2. STREETS AND ACCESS POINTS

The developer of land being subdivided shall be responsible for construction of all streets, and unless provided for otherwise by the Board of Supervisors, said streets will be classified as private. In all plats where private roads are to be approved, a Road Association Agreement shall be established to guarantee access to all lots, to ensure repair and maintenance of the roads, and to provide for any necessary utility easements. Roads and lots within the subdivision shall be so arranged as to minimize the number of access points onto arterial streets or county roads, however, there shall be no less than two (2) access points to any new subdivision. Plans for roadways and right of way easements must be approved by the Jones County Engineer prior to final plat approval. Each roadway right of way shall be at least sixty-six (66) feet wide as required by Jones County Board of Supervisors Resolution of May 9, 1978, recorded in Supervisor's Record Book P, Page 341.

Unless unavoidable, lots shall not front or have direct access to county roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points. In this case, one access point is preferable with a frontage road connecting the remainder of the subdivision.

SECTION 3. INTERIOR STREET STANDARDS

The following standards shall apply to all private streets to be located within the proposed subdivision.

- A. Cul-de-sacs shall provide a turnaround right-of-way diameter of no less than one hundred (100) feet.
- B. Cul-de-sac streets shall be no longer than seven hundred fifty (750) feet and no shorter than one hundred (100) feet.
- C. Interior roads within the subdivision shall remain private and maintained by the Home Owners Association.
- D. Bus turnarounds shall be constructed in accordance with the design requirements of the appropriate school district.
- E. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the E911 Service Board. All signs placed in the county right-of-way shall conform to the standards contained in the *Manual on Uniform Traffic Control Devices (MUTCD)*, as amended.

SECTION 4. SANITARY SEWER SYSTEM

No subdivision shall be approved until the proposed system for the disposal of sanitary sewage from the platted area has been approved by the Jones County Board of Health.

SECTION 5. WATER SYSTEM

No subdivision shall be approved until and unless the proposed system for providing water has been approved by the Jones County Board of Health.

SECTION 6. SIDEWALKS AND TRAILS

Sidewalks and/or trails are not required in new subdivisions. If sidewalks are included in the proposed development, they shall be no less than four (4) feet in width and no less than four (4) inches in thickness and shall be constructed in accordance with plans and specifications approved by the county engineer. If trails are included in the proposed development, they shall be hard surfaced (asphalt or concrete) and no less than six (6) feet in width and no less than four (4) inches in thickness and shall be constructed in accordance with plans and specifications approved by the county engineer. The Home Owners Association of the proposed subdivision

shall maintain the trail. When proposing trails in new subdivisions, the plat shall make provisions for the continuation and extension of the proposed trail.

SECTION 7. STORM WATER POLLUTION PREVENTION PLAN

The developer shall submit, to the Land Use Office, a Storm Water Pollution Prevention Plan created by a licensed engineer for the entire area of the proposed subdivision. The plan shall be reviewed and approved by the Jones County Land Use and Secondary Road departments.

SECTION 8. CLUSTERED SUBDIVISIONS

This article is intended to allow development that will meet future growth projections while preserving and protecting agriculturally, environmentally and historically significant features, and other open areas of the County. Specifically, this includes complementing the environmental and agricultural preservation goals outlined in the Comprehensive Plan; protecting sensitive areas; maintaining separation of non-compatible land uses; preserving and restoring the scenic and natural character of the County; permitting reasonable development while creating an interconnected network of open space that promotes livable, sustainable subdivision development and wildlife habitat and corridors; economizing in the installation of infrastructure and the provision of public services; and encouraging clustering of dwelling units on selected portions of a property and providing incentives for such development. For the purposes of this article, the following terms shall be interpreted as follows.

- A. Buffer: An area of land located contiguous to differing types of land use and providing a transition area between the two that is compatible with each and protects each area from changes in the use of the other area. Permitted uses in a buffer zone include those that will not be detrimental to the functioning of either land use type and do not pose a public safety hazard. Essential public and private utilities are permitted uses within a buffer zone. Buffering may include open space, landscaped areas (trees or shrubs), fences, walls, berms or any combination thereof to physically separate or screen one use or property from the other.
- B. Clustering: A subdivision design method that concentrates development in specific areas of a proposed site.
- C. Clustered Subdivision Design: A development where a portion of a parcel is designated as permanent open space, with the remainder of the parcel subdivided into clustered buildable lots.
- D. Conservation Easement Management Plan: A written document approved by the zoning administrator delineating the entity charged with responsibility for payment of any taxes, maintenance, insurance, and any other responsibilities associated with ownership of the open space conservation easement. The Management Plan will specifically set out the intended use of and the rights and responsibilities of all parties having an interest in the conservation easement area. It will be recorded with any other document establishing the conservation easement.
- E. Open Space: Land or bodies of water used by subdivision residents for conservation areas, natural habitat, pedestrian corridor, storm water management facilities, subsurface sewage disposal systems, essential utility services and/or recreational uses, and permanently designated as such and protected by a conservation easement. Open Space may include sensitive areas.

- F. Open Space Conservation Easement: A non-possessory interest in real estate by which a landowner permanently restricts and reserves a tract of land as Open Space and subjects that tract of land to the restrictions imposed in this article. The Conservation Easement may be owned by a governmental body empowered to hold an interest in real estate, a not-for-profit corporation, including but not limited to a homeowners association, or a charitable trust, which has the purposes and powers to carry out and enforce the requirements and reservations imposed by the Easement.
- G. Recreational Uses: Recreational purposes for Open Space areas include trails, picnic areas, community gardens, turf areas, common areas such as greens or squares, athletic fields, playgrounds, unlighted athletic courts, golf courses and swimming pools or beaches.

Management of Conservation Easements. The governmental body, not-for-profit corporation, charitable trust or individual that owns the Conservation Easement shall administer the Open Space and is responsible for the payment of any taxes, maintenance, insurance, and any other responsibilities associated with ownership of the land.

Density Bonus Process. The density of a clustered subdivision development meeting all the requirements of this article may exceed the designated zoning density of the parcel so long as no less than fifty percent (50%) of the subject parcel is permanently designated as Open Space.

- A. If no less than fifty percent (50%) of the original parcel is permanently designated as Open Space, the development may contain twenty-five percent (25%) more total dwelling units than existing zoning regulations currently allow.
- B. If no less than seventy-five percent (75%) of the original parcel is permanently designated as Open Space, multi-family development will be allowed.
- C. The minimum lot size allowed in conjunction with this article shall be 10,000 square feet, or larger if so required by the regulations of the Jones County Board of Health.
- D. Additional or different density bonuses may be granted by the Board of Supervisors to applicants proposing alternatives not set out above. Said bonuses may be granted only after a public hearing has been had on the proposed density bonus and only when doing so is consistent with other Development Ordinances in the County and the County Comprehensive Plan.

Conservation Easement and Site Plan Requirements. The applicant shall supply a completed application to the County that includes a copy of the Conservation Easement for the portion of the development designated as Open Space, a copy of the Conservation Easement Management Plan, and a fully dimensioned site plan, drawn to scale, which shall demonstrate, delineate and label each of the following:

- A. Topography, including areas to be graded, earth movements, drainage provisions, existing contour lines and any proposed new contour lines, and any other significant topographical features, including a soil map.
- B. The location and type of all areas to be preserved as Open Space, including areas for mitigation and preservation and any proposed improvements.

- C. Existing zoning, land use(s), and approximate density of residential uses for both the parcel in question and any neighboring parcels.
- D. Septic provisions, as required by the Jones County Board of Health.
- E. All construction contracts or sub-contracts shall contain language adequately protecting areas designated as Open Space.
- F. Included with the final plat, the applicant shall submit a subdividers agreement regarding liability for and the management of the Open Space and incorporating the Conservation Easement and Conservation Easement Management Plan.
- G. An operation, monitoring, and maintenance plan for any existing or proposed, private or public, wastewater treatment system(s) and water supply well(s) within the subdivision shall be submitted to and approved by the Jones County Board of Health.
- H. Anything else not specifically set out or excluded herein, as required by other sections of the County Code of Ordinances.

SECTION 9. UTILITY EASEMENTS

The developer of a subdivision shall make appropriate provisions to provide easements for present or future public utilities requirements. Said easements of not less than ten (10) feet in width shall run along rear and, where necessary, front and side lot lines. Such easements shall be centered on lot lines, except where prohibited by topography. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities. No buildings or structures, except when necessary for utilities, shall be permitted on such easements. Private drives, when necessary, shall be allowed to cross easements running along the front of lot lines.

SECTION 10. MISCELLANEOUS IMPROVEMENTS

The developer of a subdivision shall make provisions for the installation of grading and seeding, or sodding of all lots and all necessary soil erosion control measures during construction, the planting of any required trees, and the installation of street signs and street lighting as required. The developer of a subdivision adjacent to any existing livestock operations are fully responsible for the construction and maintenance of perimeter fencing.

SECTION 11. MAINTENANCE OF IMPROVEMENTS

Unless otherwise approved by the Board of Supervisors, required improvements to be installed shall remain the property and the responsibility of the subdivider or successors in interest to the lands being subdivided, including any Home Owners Association. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not need to assume maintenance responsibility for such improvement(s), have been approved.

**ARTICLE VI
LAND USE ADMINISTRATOR**

SECTION 1. CREATION

The Office of Jones County Land Use Administrator is hereby established. The Board of Supervisors shall appoint a Land Use Administrator who shall be compensated at a reasonable rate set by the Board of Supervisors. The Land Use Administrator shall serve at the pleasure of the Board of Supervisors.

SECTION 2. DUTIES

The Administrative Officer shall:

- A. Conduct inspections, examinations, and research the use of structures and land to determine compliance with the terms of this Ordinance.
- B. Determine and initiate action to correct violations of this Ordinance.
- C. Consult with developers, when necessary and requested, concerning the requirements of this Ordinance.
- D. Process all requests for review of subdivision plats.
- E. Perform such other duties as are assigned by this Ordinance.

**ARTICLE VII
PROCEDURE FOR REVIEW OF PLATS**

SECTION 1. INTENT

As set forth in this Article developers wishing to subdivide property shall submit a preliminary plat and a final plat to the Board of Supervisors in accordance with the following rules and procedures. There shall be no earth moving prior to the approval of the preliminary plat.

SECTION 2. COUNTY ZONING

A developer shall not provide a proposed subdivision plat to the Board of Supervisors for review until such time as the property uses contemplated within said proposed subdivision conform to Jones County Land Use requirements as set out in the Jones County Zoning Ordinance.

SECTION 3. FEES

A filing fee shall be set by resolution of the Board of Supervisors, and said fee shall be collected by the Land Use Administrator upon the filing of the initial plat. The fee shall be payable to Jones County, Iowa, and shall be non-refundable.

SECTION 4. PROCEDURE

Any person intending to subdivide land within Jones County shall comply with the procedures established in this article. Prior to application for subdivision approval, the subdivider may request a preliminary planning conference with the Land Use Administrator and those officials who may require review of the proposed subdivision. This conference is to inform the subdivider as to the nature of the regulations and the feasibility of the subdivision plan and shall not take the place of the following procedures.

- A. Preliminary Plat Submission: The subdivider shall prepare a preliminary plat and make application for preliminary plat approval. The preliminary plat shall be submitted to the Land Use Administrator together with an application form and filing fee. Applications shall be placed on the agenda for public hearing by the Planning and Zoning Commission.
- B. Preliminary Plat Review: The Land Use Administrator may require the subdivider to obtain the review and recommendation of the preliminary plat by the County Engineer, Jones County Board of Health, Jones County Soil Conservation District, school district officials, and those officials or agencies which may be required for review and comment on the application for preliminary plat approval. Comments and recommendations shall be submitted in writing prior to preliminary plat action by the Planning and Zoning Commission.

- C. Preliminary Plat Action by Planning and Zoning Commission: The Planning and Zoning Commission shall study the preliminary plat and such other information offered for consideration of the application to assure that it is in full conformance with the provisions and purpose of these regulations. The Commission shall hear each application appearing on its agenda and within 31 days (unless an extension is agreed to by the subdivider) transmit its recommendations to approve, disapprove or to grant conditional approval to the Board of Supervisors. If it is the recommendation of the Commission to disapprove the application, or to grant conditional approval, the Commission shall give its reasons or specify its conditions in writing for submission to the Supervisors.
- D. Preliminary Plat Action by Board of Supervisors: Within 31 days of receipt of the Planning and Zoning Commission recommendation, the Board of Supervisors shall, unless an extension is agreed to by the subdivider, hear the application and shall approve, disapprove or grant conditional approval of the preliminary plat. The Resolution, certifying approval or certifying approval with conditions, and the signature of the Chairperson of the Board of Supervisors shall be affixed to two (2) copies of the preliminary plat. One copy shall be retained by the Land Use Administrator and the other returned to the subdivider. Approval by the Board of Supervisors shall be tentative and not constitute final approval or acceptance of the plat or of the proposed dedication for public use but shall be deemed to be an authorization to proceed with the preparation of the final plat. Disapproval of the preliminary plat by the Supervisors shall terminate further consideration of such application.
- E. Final Plat Submission: The subdivider may prepare a final plat for all or any portion of the approved preliminary plat and make application for final plat approval. Final plats submitted two years after the approval date of the preliminary plat shall not be acted upon until the Supervisors re-approve the preliminary plat. The final plat shall be prepared in accordance with the specifications and standards of these regulations and in conformance with the approved preliminary plat. Applications shall be placed on the agenda for public hearing by the Planning and Zoning Commission.
- F. Final Plat Review: The Land Use Administrator may require the subdivider to submit the final plat for examination by the County Engineer, Jones County Board of Health, Jones County Soil Conservation District, school district officials, and those officials or agencies which may be required for review and comment on the application to determine its conformance with the approved preliminary plat and with applicable statutes and policies. Comments and recommendations shall be submitted in writing prior to final plat action by the Planning and Zoning Commission.
- G. Final Plat Required Improvements: Before the Final Plat of any subdivision is approved and recorded, the required improvements must be installed. All improvements shall conform to the County Standard Specifications as adopted by the Board of Supervisors.
- H. Final Plat Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall study the final plat and such other information offered for consideration of the application to assure that it is in full conformance with the provisions and purpose of these regulations. The Commission

shall hear each application appearing on its agenda and within 31 days, unless an extension is agreed to by the subdivider, transmit its recommendations to approve, disapprove or grant conditional approval to the Board of Supervisors. If it is the recommendation of the Commission to disapprove the application, or to grant conditional approval, the Commission shall give its reasons or specify its conditions in writing for submission to the Supervisors. If the Land Use Administrator determines that the final plat is the same as the preliminary plat, review of the final plat by the Planning and Zoning Commission is not required.

- I. Final Plat Action by the Board of Supervisors: Within 31 days of receipt of the Planning and Zoning Commission recommendation, the Board of Supervisors shall hear the application and shall approve or disapprove the final plat. The final plat shall be approved when found to be in conformance with the approved preliminary plat and accompanied by the approved documents. Approval of the final plat shall be by resolution of the Board of Supervisors and shall be indicated on each of five (5) copies of the plat signed by the Chairperson.
- J. Effect of Final Plat Action by Supervisors: Approval of the final plat by resolution of the Board of Supervisors shall be deemed an authorization for the subdivider to record a certified copy of the final plat with the office of the County Recorder. Approval of the final plat shall not constitute approval of, or acceptance of, roads or any other improvements within the area of the final plat unless so certified. Disapproval of the final plat by the Supervisors shall terminate further consideration of such application. The reasons for such disapproval shall be conveyed in writing to the subdivider.

SECTION 5. FILING OF PRELIMINARY PLAT

The subdivider shall first prepare & file with the Administrative Officer ten (10) copies of the preliminary plat conforming in detail to the requirements set forth in this ordinance. The preliminary plat shall be drawn at a scale of one-inch equals one hundred feet (1"=100') or larger. A sheet size shall not exceed twenty-four inches by thirty-six inches (24"x36"). Where more than one sheet is required, the sheets shall show the number of the sheet, the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show or have attached thereto, the following, as amended by the Iowa State Code:

- A. Title, scale, north point and date on each sheet.
- B. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county, and shall be approved by the County Auditor.
- C. The name and address of the owner and the name, address and profession of the person preparing the plat.
- D. A key map showing the general location of the proposed subdivision in relation to surrounding lands.
- E. The names and locations of adjacent subdivisions and the names of record owners and locations of unplatted land located within five hundred (500) feet of the proposed subdivision boundary.

- F. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.
- G. Contours at vertical intervals of not more than two (2) feet, if the general slope of the site is less than ten (10) percent, and at vertical intervals of not more than five (5) feet, if the general slope is ten (10) percent or greater.
- H. The legal description of the area being platted.
- I. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
- J. The layout, numbers and approximate dimensions of proposed lots.
- K. The location, width and dimensions of all streets.
- L. Present and proposed utility systems, including, but not limited to, sanitary and storm sewers, other drainage facilities, water systems, gas mains and electric utilities.
- M. Proposed easements showing locations, widths, purposes and limitations.
- N. Parcels or areas of land proposed to be dedicated or reserved for open space, schools, parks, playgrounds, or other public, semi-public or community purposes, showing proposed surfacing material.
- O. A general description of all minimum improvements to be created within the subdivision.
- P. A soil erosion control plan and drainage control plan created by a licensed engineer, filed with the Jones County Land Use Office.
- Q. Any other pertinent information and necessary information.
- R. The fee, as required by this ordinance.

SECTION 6. DURATION OF PRELIMINARY PLAT

Approval of the preliminary plat by the Board of Supervisors shall be valid for a period of two (2) years from the date of approval. In the event that a final plat has not been approved within the two (2) year period, the preliminary plat shall be void. The subdivider shall then be required to resubmit the preliminary plat for approval in the same manner as previously prescribed.

SECTION 7. FILING OF FINAL PLAT

Following approval of a preliminary plat, the subdivider shall, within two (2) years from the date of approval of the preliminary plat, unless such time period has been extended, file with the Administrative Officer ten (10) copies of the final plat for the area covered by said preliminary plat as approved by the Board of Supervisors.

The final plat shall be drawn at a scale of one-inch equals one hundred feet (1"=100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18"x 24") nor smaller than eight and one-half inches by eleven inches (8 1/2" x 11") and shall be of a size acceptable to

the County Recorder. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and shall show the following as set forth within Chapters 354 & 355 of the Iowa Code.

- A. The name of the subdivision, as approved by the County Auditor.
- B. Name and address of the owner and subdivider.
- C. Scale graphic bar scale, north arrow and date on each sheet.
- D. All monuments to be of record, as required by Chapter 355, Code of Iowa.
- E. Sufficient survey data to positively describe the boundaries of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.
- F. All distance, bearing curve, and other survey data and the Legal description.
- G. All adjoining properties shall be identified and, where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
- H. Street names and clear designation of public alleys.
- I. Block and lot numbers.
- J. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
- K. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities, including: gas, power, telephone, cable television, water and sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
- L. The minimum unadjusted accepted error of closure for all subdivision boundaries, which shall be 1:10,000 and shall be 1:5,000 for any individual lot.
- M. A statement by a licensed land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the licensed land surveyor who drew the plat.
- N. Any additional requirements as per the State Code of Iowa or Administrative Code.

Attachments to the Final Plat. The following shall be attached to and

accompany any final plat at the time of recording:

- A. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse.
- B. An attorney's opinion showing that the fee title to the subdivision is free from encumbrance other than those secured by an encumbrance bond.
- C. Certificate from the County Treasurer that the subdivision land is free from unpaid taxes.
- D. A copy of any existing encumbrance bonds.
- E. A statement of restrictions that run with the land and become covenants in the deeds of lots.
- F. A statement by the developer setting out a timetable for satisfactory completion of all improvements.
- G. A resolution and certified plat approved by the Board of Supervisors.
- H. The applicable fee.
- I. A statement by the Administrative Officer that all applicable fees have been paid.
- J. A statement by the Jones County Engineer approving the final plat.
- K. A statement by the E911 Service Board approving the final plat.
- L. Certificate from the County Auditor reflecting approval of the subdivision name.
- M. A copy of the Fencing Agreement.

**ARTICLE VIII
MISCELLANEOUS PROVISIONS**

SECTION 1. PENALTY

This ordinance is enforceable against titleholders of the property, whether that title is held by Deed or Contract, and against any other individual in lawful possession of the property, including a developer.

A violation of this Ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

In addition to any civil penalty imposed for violating this Ordinance, a court may grant appropriate relief to abate or halt the violation, including all of the options available pursuant to Iowa Code Section 331.307, as now or hereafter amended.

SECTION 2. VARIANCES

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Supervisors may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. However, such variance, modification or waiver shall not have the effect of nullifying the intent and purpose of this ordinance. In no case shall a variance or modification be more than a minimal easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Board of Supervisors may impose such additional conditions as necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

SECTION 3. SEVERABILITY

This Ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance or amendment hereto shall not be affected thereby.

SECTION 4. RELATIONSHIP TO OTHER LAWS

Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other County ordinance or regulation, except as expressly set forth herein. If any provision of this Ordinance conflicts with the provisions of any other Federal, State, or County ordinance, regulation, or statutes, the most restrictive standard shall apply.

SECTION 5. EFFECTIVE DATE

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

Passed and approved March 24, 1998
Published April 1, 2, and 3, 1998

Amended March 19, 2002
Published April 3, 4, and 5, 2002

Amended December 2, 2003
Published December 12, 17, and 18, 2003

Replaced October 23, 2007
Published November 2, 7, and 8, 2007

Amended September 8, 2009
Published September 18, 23, and 24, 2009