



EMMET COUNTY IOWA



*Prepared with Planning Assistance from
Northwest Iowa Planning &
Development Commission
Spencer, Iowa*

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EMMET COUNTY IOWA

2012

SUBDIVISION REGULATIONS

Prepared with Planning & Technical Assistance By:

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ORDINANCE NO. _____

REPLACES THE 2005 EMMET COUNTY
SUBDIVISION REGULATIONS ORDINANCE AND AMENDMENTS THERETO

**SUBDIVISION REGULATIONS ORDINANCE FOR THE
UNINCORPORATED AREA OF EMMET COUNTY, IOWA**

AN ORDINANCE establishing new subdivision regulations for the unincorporated territory of Emmet 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.

WHEREAS, The Board of Supervisors of Emmet County, Iowa deems it necessary in order to secure coordination of subdivisions of land and extensions of streets; to promote proper standards for development of land, utilities, and streets; to promote the general welfare; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, private and public water supply, on-site private and public sewage treatment, storm drainage, and other public improvements and services in areas of new development and throughout the county.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF EMMET COUNTY, IOWA:

Section 1. REPEAL OF CONFLICTING ORDINANCES.

The Emmet County Subdivision Regulations adopted and published prior to this ordinance are hereby repealed in their entirety. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability. No final plat of land shall be approved unless it conforms to this ordinance. Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. Furthermore, when any conflicts between this subdivision regulation ordinance and all other ordinances arises, then the most restrictive shall apply.

Section 2. SEVERABILITY CLAUSE.

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

Section 3. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its final passage, adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa. (*Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3*)

ARTICLE I

General Provisions

Article 1: General Provisions

- Section 1.1. Title
- Section 1.2. Purpose and Objectives
- Section 1.3. Interpretation of Standards
- Section 1.4. Jurisdiction
- Section 1.5. Application of Regulations
- Section 1.6. Conformance to the Comprehensive Plan
- Section 1.7. Restrictive Covenants
- Section 1.8. Subdivision Exemptions
- Section 1.9. Classification of Subdivisions
- Section 1.10. Waivers
- Section 1.11. Vacation Procedures
- Section 1.12. Recording of Plat
- Section 1.13. Auditor's Plat
- Section 1.14. Plats within Two Miles of Cities
- Section 1.15. Disclaimer Regarding "Approval" of County Representatives
- Section 1.16. Approval of Plats

Section 1.1. TITLE.

This ordinance shall be known and may be cited and referenced as the "Emmet County, Iowa Subdivision Ordinance."

Section 1.2. PURPOSE 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 resubdivisions 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 Emmet County, Iowa, all in accordance with and as permitted by the provisions of Chapter 354, Code of Iowa, as amended. It is deemed essential to establish minimum standards so existing land uses and developments will be protected and adequate provisions are made to insure growth occurs in an orderly manner consistent with the comprehensive plan. It shall be administered in order to insure orderly growth and development, the conservation, protection, and proper use of land, and adequate provisions for public utilities, services and circulation. More specifically, the ordinance is adopted in order to achieve the following objectives, among others:

1. 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.
2. To cause the cost of design and installation of improvements required for a subdivision to be borne by the applicant, rather than by the direct or indirect burden upon property owners beyond the limits of the subdivision.
3. 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.
4. To insure the installation of adequately sized utilities and adequately improved streets.
5. To promote a safe, effective traffic circulation system.
6. To secure economy in government expenditures.

7. To insure public facilities, where available, will have sufficient capacity to serve the subdivision.
8. To encourage the most appropriate use of land in the county.
9. To improve land records by establishing standards for surveys and plats.

Section 1.3. INTERPRETATION OF STANDARDS.

In the interpretation and application of the provisions of this ordinance, such provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare of the county. 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 1.4. JURISDICTION.

In accordance with the provisions of Chapter 354, Code of Iowa, and amendatory acts thereto, this ordinance is adopted by the Board of Supervisors of Emmet County, Iowa, governing the subdivisions of all lands within the unincorporated territory of Emmet County and all lands within the extraterritorial jurisdictional area of the municipalities in Emmet County. It shall be unlawful for any person being the owner, agent or person having control of any land within Emmet County and the extraterritorial plat jurisdiction of a municipality to create a subdivision unless by a plat, in accordance with the regulations contained herein. Such plat shall be submitted to the Board of Supervisors for approval or disapproval.

Section 1.5. APPLICATION OF REGULATIONS.

Every owner of any tract or parcel of land which has been subdivided or shall hereafter subdivide or plat said tract or parcel into more than three (3) parts, any part of which is less than forty (40) acres, for the purposes of laying out an addition, subdivision, building lot or lots, acreages or suburban lots within the county shall cause plats to be made in form and containing the information hereinafter set out. 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. 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 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. Public improvements may or may not be made by the Board of Supervisors with county funds. The county reserves the right to expend funds for road maintenance, mad improvements, or any other services in any area that has been subdivided after the effective date of this ordinance. Future subdivisions and streets will be approved in accordance with the provisions of this ordinance and the street may be accepted by the county and recorded with the Iowa Department of Transportation as a public street. Prior to the county accepting any new or previously approved road or street as part of the secondary roads system, the road or street shall be upgraded to meet current county specifications. Emmet County reserves the right to accept or deny said road or street as part of the secondary roads system.

Section 1.6. CONFORMANCE TO THE COMPREHENSIVE PLAN.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to best conform to recommendations of the comprehensive plan. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Section 1.7. RESTRICTIVE COVENANTS.

The applicant may, at their own expense, restrict the use of premises contained in a subdivision plat by means of restrictive covenants. Any such covenants shall be included as deed restrictions on the final plat. Where any restrictive covenants are anticipated in a proposed subdivision that do not assist orderly, efficient, integrated development, promote the public health, safety and general welfare of the county, and insure conformance of the subdivision plans with the capital improvements program, comprehensive plan or transportation plan, the Board of Supervisors may deem these grounds for disapproval of the subdivision plat.

Section 1.8. SUBDIVISION EXEMPTIONS.

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

1. The division of land into burial lots in a cemetery.
2. 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.
3. 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.
4. 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.
5. A conveyance of land in aliquot parts.

Section 1.9. CLASSIFICATION OF SUBDIVISIONS.

Except as provided in Section 1.8, whenever any division of a tract or parcel into three (3) or more parcels by repeated or simultaneous subdivision is proposed, before any contract is made for the sale of any part thereof, and before any zoning compliance 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 subdivision as described below. Before preparing a plat, the applicant shall 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 applicant, where appropriate, to discuss the proposal with those officials who must eventually approve these aspects of the subdivision coming within their jurisdiction.

The procedure for approval of a **major subdivision**, as defined in Article 2, Section 2.1.113.a, shall consist of:

1. Tentative Plat as describe in Article 3.
2. Preliminary plat, as described in Article 4.
3. Final Construction plans, described in Article 5.
4. Final plat, as described in Article 6.
5. Review by county engineer for compliance with roads, drainage and other appropriate policies and regulations pertaining to this department.
6. Review by planning and zoning commission and approval by resolution by Board of Supervisors.

The procedure for approval of a **minor subdivision**, as defined in Article 2, Section 2.1.113.b, shall consist of:

1. Plat of Survey
2. Review by county engineer for compliance with roads, drainage and other appropriate policies and regulations pertaining to this department.
3. Review and approval by resolution by the Board of Supervisors

The procedure for approval of a **property split**, as defined in Article 2, Section 2.1.113.c, shall consist of a plat of survey

The procedure for approval of a **property line adjustment**, as defined in Article 2, Section 2.1.113.d, shall consist of a plat of survey

All subdivisions as defined herein as a **minor subdivision or property split** may submit a joint preliminary and final plat to the county for review. These two subdivisions types may be exempted from the separate submittal process. All subdivisions meeting the definition of **property line adjustment** may be submitted to the zoning administrator and may be approved by administrative review and action. These actions shall not require planning and zoning or Board of Supervisors review and approval.

Section 1.10. WAIVERS.

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 Board of Supervisors, upon recommendation of the planning commission, may approve waivers from the provisions of this ordinance so that substantial justice may be done and the public interest secured; provided however, that such waivers shall not have the effect of nullifying the intent and purpose of these regulations.

The Board of Supervisors shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the waiver will not adversely affect 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 waiver is based are unique to the property for which the waiver 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 these regulations are strictly enforced.
4. In no case shall any street standard waiver have the effect of reducing the traffic capacity of any street or adversely affecting the safety of the public.
5. The waiver will not adversely affect the county's land use plan or in any manner vary the provisions of the zoning ordinance.

In approving waivers, the Board of Supervisors may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this ordinance. A request for such waivers shall be submitted in writing by the applicant at such time the application for preliminary plat approval is submitted for consideration by the planning commission. A fee as specified by the Board of Supervisors shall accompany the waiver requests. Said request shall state fully the grounds for the request and all of the facts relied upon by the applicant. Any waiver recommended by the planning commission to the Board of Supervisors shall be by written record, which shall include findings of facts, and shall refer to all evidence in the record.

Section 1.11. 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:

1. The owner thereof may vacate any subdivision plat or portion in the event there has been no sale of any lots within the plat or a portion thereof.
2. 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.
3. The Board of Supervisors may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements or streets.

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 Board of Supervisors 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 1.12. RECORDING OF PLAT.

Within Emmet County, no subdivision plat, resubdivision plat or street dedication as provided in Chapter 354.9, Code of Iowa, shall be filed for record with the County Recorder or recorded by the county until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance. Upon approval of the final plat by the Board of Supervisors it shall be the duty of the applicant to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the County Auditor within thirty (30) days.

Section 1.13. AUDITOR'S PLATS.

With regard to auditor's plats as distinguished from subdivision plats the Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations providing there is on file with the Board of Supervisors a copy of the request of the Emmet County Auditor ordering such plat and a letter from said auditor stating that the plat as submitted meets the requirements for which said plat was ordered.

Section 1.14. PLATS WITHIN TWO MILES OF CITIES.

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 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 applicant shall submit the preliminary and final plats and other materials as required by this ordinance. The Board of Supervisors shall have the right to waive such requirements, as are contained in this ordinance, for such subdivisions whenever the Board of Supervisors, upon recommendation by the planning 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 Board of Supervisors, as prescribed by this ordinance and by the city council of that city.

Section 1.15. DISCLAIMER REGARDING "APPROVAL" OF COUNTY REPRESENTATIVES.

This ordinance shall not be construed in any way as giving any person, organization, or entity the status of a third party beneficiary. Whenever the words "approve", "approved", "approval" or similar words are used in describing actions taken by the zoning administrator, planning and zoning commission, county engineer, county environmental health specialist, or the Board of Supervisors; such words shall be construed as ministerial acts that only entail review for compliance with the ordinance. Emmet County makes no warranties, either expressed or implied, that any plans, plats, subdivision, rezoning, variance, or any other actions that constitute "approval" by Emmet County are merchantable, fit for any particular purpose, or free from design or construction defects.

Section 1.16. APPROVAL OF PLATS.

The approval of any preliminary or final plat shall not construe the acceptance of any road or street within said subdivision by the county. Where the county is accepting the road and/or street as public, said road or street shall meet all county specifications.

ARTICLE II

Definitions

Section 2.1. TERMS DEFINED.

For the purpose of this ordinance, certain words herein shall be defined and interpreted as follows. If the term or word is not defined, then its usual and ordinary meaning shall apply. The following rules of construction shall apply.

- Words used in the present tense include the future tense.
 - Words used in the singular include the plural, and words in the plural include the singular.
 - The word “shall” is mandatory; the word “may” is discretionary.
 - The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - The words “used” or “occupied” include the words intended, designed, or arranged to be used.
 - 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 numbers 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.
1. **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.
 2. **ACCESS STREET** – A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from traffic.
 3. **ALQUOT PART** – A fractional part of a section within the United States Public Land Survey System. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
 4. **ALLEY** – A dedicated public right-of-way or private access, other than a street, affording only a secondary means of access to abutting property.
 5. **APPLICANT** – Is a developer, owner, subdivider, proprietor or anyone else presenting an application for a subdivision.
 6. **ARTERIAL STREET** - A street primarily intended to carry traffic from one part of the county to another, and not intended to provide access to abutting property.
 7. **AUDITOR’S PLAT** – A subdivision plat prepared by Emmet County to clarify property descriptions for the purposes of assessment and taxation. Such plats are not intended to satisfy the requirements of this ordinance.
 8. **BLOCK** – An area of land within a subdivision entirely bounded by public streets, highways, lakes, sloughs, wetlands or marshes, rivers, railroad rights-of-way, tracts of public land, or other public rights-of-way except alleys; and all the exterior boundaries of the subdivision.
 9. **BOARD** – The Emmet County Board of Supervisors

10. **BUILDING** – Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
11. **BUILDING LINE (SETBACK LINE)** – A line on a plat between which line and right-of-way line no buildings or structures may be erected. Setbacks may also be referenced as required yards.
12. **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.
13. **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.
14. **COLLECTOR STREETS** – Those streets that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
15. **COMMISSION (OR PLANNING COMMISSION)** – The Emmet County Planning and Zoning Commission.
16. **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.
17. **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.
18. **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.
19. **COMPREHENSIVE PLAN** – A general plan for the development of the county, which may be titled master plan, land use plan, comprehensive plan, or some other title, and has been adopted by the Board of Supervisors. Such comprehensive plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
20. **CONSERVATION EASEMENT** – 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.
21. **CONSTRUCTION PLANS OF RECORD** – Drawings, specifications and recorded documentation that communicates the actual character, description and accurate location of the subdivision and its utilities, improvements and appurtenances, as constructed or built.
22. **CONVEYANCE** – An instrument filed with the County Recorder as evidence of the transfer of land, including any form of deed, contract or lease; excluding agricultural farm land leases.
23. **COUNTY** – Emmet County, Iowa.
24. **COUNTY ENGINEER** – Any licensed professional engineer designated by the Board of Supervisors to serve in such capacity.
25. **COUNTY INFRACTION** – A civil offense punishable by a civil penalty and issued by a citation.

26. COUNTY ROAD – Any street or road, other than a state or county road, which is located within a platted subdivision approved, accepted and added to the official list of county roads by the county engineer and Board of Supervisors.
27. COUNTY ZONING ORDINANCE – The Emmet County, Iowa zoning ordinance.
28. CUL-DE-SAC – A short, dead-end street having one end connecting to a public street, and the other end terminated by a vehicular turn-around.
29. DEDICATION – The transfer of property by the applicant to another party. Dedication usually refers to the transfer of property in the form of rights-of-way to a governing body.
30. DESIGN STANDARDS AND SPECIFICATIONS – All requirements and regulations relating to the design and layout of a subdivision as set forth in this ordinance.
31. DEVELOP – To erect buildings on or to desire public or privately maintained streets and alleys and/or utility systems upon a parcel of land.
32. DEVELOPER – Any person(s), firm, corporation or other entity that creates or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
33. DIVISION – Dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this ordinance.
34. EASEMENT – A right-of-way granted for the purpose of limited private, public and quasi-public uses across private land. A grant by the applicant 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 and registered in the County Recorder's office. Utilities shall have the right to trim trees that interfere with the use of such easements.
35. 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.
36. FINAL CONSTRUCTION PLANS – 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.
37. FINAL PLAT – A Map or drawing of a subdivision in its final form submitted with its accompanying material to the county for approval and which, if approved, will be submitted to the County Recorder for recording.
38. 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 Dept. of Natural Resources (IDNR) or the Federal Emergency Management Agency (FEMA).
39. 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.
40. FORTY-ACRE ALIQUOT PART – One-quarter of one-quarter of a section.
41. FRONTAGE – That portion of a tract or parcel abutting upon a street.
42. 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.

43. **GRADE** – The slope of a street or other surfaces reported as percentage by calculating the rise in feet divided by 100 feet of run and multiplied by 100 percent.
44. **HALF STREET** – One-half width street right-of-way on the boundary of a subdivision dedicated by the applicant to the county for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.
45. **HIGHWAY** – An officially designated federal or state numbered highway, or other major street or road designated by the county as a thoroughfare.
46. **HORIZONTAL PROPERTY REGIME** – A property that qualifies under the “Horizontal Property Act.” All development as defined under the “Horizontal Property Act” shall conform to Chapter 499B, Code of Iowa.
47. **IMPROVEMENTS** – Changes to land necessary to prepare it for building sites including but not limited to pavement, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, drainageways, grading, street signs, plantings, and other public works and appurtenances for the welfare of the applicant(s) and the public.
48. **LEGAL DESCRIPTION** – 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. All descriptions shall meet the requirements of Iowa Code 355.9.
49. **LETTER OF CREDIT** – A letter of credit secured by the applicant from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the applicant 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.
50. **LICENSED PROFESSIONAL ENGINEER** – A licensed professional engineer authorized and licensed by the State of Iowa pursuant to Chapter 542B, Code of Iowa, as amended.
51. **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.
52. **LOCAL STREET** – A service street used primarily for access to abutting property.
53. **LOT** – (see definitions in the Emmet County Zoning Ordinance) A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, to be sold, conveyed, transferred, or improved for development. A lot is typically identified by number or letter designation on an official plat.
54. **LOT IMPROVEMENTS** – Any building, structure, place, work of art, 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.
55. **MAINTENANCE GUARANTEE** – Any security, other than cash, accepted by the county to insure that required improvements will be maintained. (See also: Performance Guarantee)
56. **MAJOR SUBDIVISION** – All subdivisions not classified as minor subdivisions, including, but not limited to, any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvements.
57. **MAJOR STREET OR THOROUGHFARE** – A street used primarily for large volumes of traffic.

58. MASTER PLAN – The overall design concept for a proposed subdivision including proposed phasing of final plats.
59. METES AND BOUNDS DESCRIPTION – A description of land that uses distances and angles, uses distances and bearings, or describes the parcel boundaries by reference to physical features.
60. MINOR PLAT – A plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the applicant to save time and expense in reaching a general agreement as to the form of the plat.
61. MINOR SUBDIVISION – Any subdivision that creates three (3) parcels or less that fronts an existing road, not involving any new road or street or the extension of utilities, and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision of the comprehensive plan, zoning ordinance, or this ordinance may be classified as a minor subdivision and meets the appropriate provisions of this ordinance.
62. NONRESIDENTIAL SUBDIVISION – A subdivision whose intended use is other than residential, such as commercial or industrial.
63. OFFICIAL PLAT – An Auditor's plat or subdivision plat that meets the requirements of the Code of Iowa, and has been approved under the terms of this ordinance.
64. OUTLOT – A portion of a subdivision, parcel or tract intended as a unit for the proposed transfer of ownership. An outlot shall be an unbuildable lot, in and of itself. Typically an applicant may use an outlot for the following reasons: (a) To reserve a portion of a final plat for future development or sale; (b) To reserve a portion of a final plat for construction of and future dedication of a detention basin to the county or private association; or (c) For construction of a private street or access that will be owned and maintained by a private association.
65. 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.
66. PARCEL – A part or tract of land.
67. PEDESTRIAN WALKWAY – A strip of land dedicated for public use that is reserved across a block for the purpose of providing pedestrian access to adjacent areas.
68. PERFORMANCE BOND – A surety bond or cash deposit made out to the county in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the county engineer, and surety bond or cash deposit being legally sufficient to secure to the county that said improvements will be constructed in accordance with this ordinance.
69. PERMANENT REAL ESTATE INDEX NUMBER – A unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.
70. PLAT – A map, drawing, or chart on which the applicant's plan of the subdivision is presented and which the applicant submits for approval.
71. PLATS OFFICER – The Emmet County Zoning Administrator or other individual assigned the duty to administer this ordinance by the Board of Supervisors.
72. 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 in accordance with Chapter 335, Code of Iowa, as amended.

73. 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.
74. PROPRIETOR – A person who has a recorded interest in land, including selling or buying land pursuant to contract, but excluding persons holding mortgage, easement, or lien interest.
75. 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.
76. PUBLIC IMPROVEMENT – Any street surface material, curbs, gutters, sidewalks, water or sewer systems, stone 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.
77. REAL ESTATE IMPROVEMENT DISTRICT (R.E.I.D) – A development as regulated under Chapter 358C, Code of Iowa.
78. REPEAT OFFENSE – A recurring violation of the same section of the Emmet County, Iowa, Subdivision Ordinance.
79. RESUBDIVISION – Any subdivision of land that has previously been included in a recorded plat. In appropriate context, the term may be used as a verb referring to the act of preparing a plat of previously subdivided land.
80. RIGHT-OF-WAY – The land area or the right to possession of which is secured or reserved for public purposes.
81. ROADWAY – That portion of the improved street or road available for vehicular traffic, and measured as the traveled way.
82. STREET – Public property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
83. STREET, DEAD END – A local street having only one outlet connecting to another street.
84. 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.
85. STREET, PRIVATE – All land between right-of-way lines and designated for travel within the development and not accepted in a governmental road system.
86. STREET, PUBLIC – All land between right-of-way lines dedicated to and accepted by a governmental agency.
87. STREET RIGHT-OF-WAY LINE – A dividing line between a tract or parcel of land and the contiguous right-of-way that includes the traveled way and possibly foreslopes, drainage appurtenances, backslopes, and other public improvements.

88. **SUBDIVIDER** – Any person having an interest in land that is the subject of an application for subdivision.
89. **SUBDIVISION** – The division of any tract of land into three (3) or more lots, parcels or other divisions of land less than forty (40) acres in size for the purpose, whether immediate or future, of future sale or transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land; and as defined in Chapter 354, Code of Iowa.
- a. **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.
- b. **MINOR SUBDIVISION**: A subdivision of land that meets the following criteria:
- i. All new lots shall front on and have access to an existing public street.
 - ii. No new public street shall be created or sought to be dedicated or contemplated to project through the proposed subdivision.
 - iii. No new lot shall conflict with any provisions or portion of the county zoning ordinance or this ordinance.
- c. **PROPERTY SPLIT**: A subdivision of a tract that meets the following criteria:
- i. The land proposed for division is an undivided quarter-quarter section.
 - ii. No more than three parcels are created per quarter-quarter section.
 - iii. No new parcel shall conflict with any provision or portion of the county zoning ordinance or this ordinance.
- d. **PROPERTY LINE ADJUSTMENT**: A subdivision of one or more lots or parcels that meets the following criteria:
- i. No additional lots or parcels shall be created.
 - ii. 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.
 - iii. No new lot or parcel shall conflict with any provision or portion of the county zoning ordinance or this ordinance.
90. **SUBDIVISION PLAT** – A 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.
91. **TRACT** – An aliquot part of a section, a lot within an official plat, or government lot.
92. **UTILITIES** – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.
93. **VACATION** - To make void or annul. To vacate.
94. **ZONING ADMINISTRATOR** – The zoning administrator for Emmet County, Iowa.

ARTICLE III

Consultation Meeting/Plan Review

Article III: Consultation Meeting/Plan Review

Section 3.1. Plan Review

Section 3.1. Plan Review.

Within seven (7) days after receiving an application for a subdivision, the zoning administrator shall schedule a consultation meeting to review the application and shall be available to confer with the applicant to develop a mutually acceptable tentative plan for the subdivision. The consultation meeting shall also include the county engineer, county environmental health specialist, and any other county official responsible for the administration of these regulations. The plan review shall cover the procedural steps, design standards, required improvements, and platting requirements. During such meeting, no commitments shall be made that will be binding upon the county.

The plan in progress shall indicate the location of the proposed subdivision, the proposed relationship to the overall development scheme (master plan), 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, and other public areas. The plan in progress may be a freehand sketch to an approximate scale. The applicant shall also submit:

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
3. A statement of the number of lots the subdivision will contain, with the typical proposed lot width and depth.

If the applicant and the county staff reviewing such plan in progress are unable to reach an agreement on the characteristics of the plan within 30 days of the date the application was filed, the applicant may appeal to the planning commission for a determination of the characteristics of the plan in progress, on which the applicant and the county staff have been unable to agree. The planning commission shall make such determination at its first regular meeting following the conclusion of the previously mentioned 30 day period or upon appeal by the applicant. If the planning commission disapproves the plan in progress, it shall advise the applicant in writing of the reasons for disapproval. The applicant may proceed with the preliminary plat process provided the reasons for disapproval have been addressed within the preliminary plat. When an applicant has received written notification of a positive review from the county of the plan in progress, the applicant may proceed with the preparation of the preliminary plat.

ARTICLE IV

Minor Subdivision Procedures and Requirements

Article IV: Minor Subdivision Procedures and Requirements

- Section 4.1. Minor Plat Requirements
- Section 4.2. Review by Agencies
- Section 4.3. Procedures for Minor Subdivision

In lieu of a major subdivision (preliminary and final plats), an applicant may be allowed to utilize a “minor subdivision” procedure provided the request conforms to the definition contained herein and the classification process outlined in Section 1.9.

Section 4.1. MINOR PLAT REQUIREMENTS.

The applicant shall prepare the proposed minor subdivision plat and shall furnish to the County Auditor all plans and information, including ten (10) copies of the final plat conforming in detail to the requirements set forth in this ordinance. The minor plat submitted shall contain the names and addresses of all owners and occupants of properties within 500 feet of the proposed subdivision to which a notice of public hearing will be sent. No plat shall be considered or acted upon by the Board of Supervisors without affording a public hearing thereon, notice of the time and place of which shall be sent by mail to such addresses not less than ten (10) days before the date fixed therefore. Said plat shall contain such information as required by this ordinance, specifically the requirements in Section 7.3 and Section 7.4 of Article VII – Final Plat Procedures & Requirements; or as may be specified by the Code of Iowa or the zoning administrator.

Section 4.2. REVIEW BY AGENCIES.

The County Auditor shall place the plat on the upcoming Board of Supervisors meeting agenda and immediately thereafter forward copies of the submitted plat to the chairperson and remaining board members, county engineer, county environmental health specialist, zoning administrator, county attorney and to such other agencies or persons as may be deemed appropriate and necessary. By the first of the following month, the following reviews shall be completed:

1. The county engineer shall notify the auditor whether the minor plat meets requirements for access onto a county road or highway and does not include any public improvements that would need to be accepted by the county.
2. The county environmental health specialist shall notify the auditor whether the land so proposed to be subdivided will comply with all applicable water and sewer treatment standards, and whether the proposed or existing system of water and sewer improvements is adequate to serve the property.
3. The zoning administrator shall review the lot size, shapes and overall plan layout for conformance with the county’s zoning regulations and capability for lots to be developed while meeting the required yard setbacks, open space and minimum lot width and size requirements.
4. Other agencies or persons shall inform the auditor on factors deemed appropriate and necessary.

Section 4.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within sixty (60) working days following the date of receipt of an application, or such additional period as the applicant may authorize, the zoning administrator may schedule a public hearing on the subdivision request with the Board of Supervisors. The board shall act upon the minor plat not more than sixty (60) days after the initial receipt by the County Auditor.
2. The Board of Supervisors may approve or disapprove of the subdivision request, or they may refer the request to the planning commission for their recommendation prior to considering the minor plat. If approved by the board, the minor plat shall be certified by resolution. In the event that a minor subdivision plat is not approved, the board shall state in writing how the proposed plat is objectionable.
3. The passage of a resolution by the Board of Supervisors accepting the plat shall constitute final approval for the area shown on the minor plat. The applicant shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the county shall recognize the plat as being in full force and effect. The applicant shall record the plat within sixty (60) days after the supervisor's approval and shall be responsible for all recording costs. In addition, one (1) copy of the approved minor plat and adopting resolution as well as the completed plat proceedings with any restrictive covenants shall be submitted to the zoning administrator by the applicant.

ARTICLE V

Preliminary Plat Procedures and Submission Requirements For Major Subdivisions

Article V: Preliminary Plat Procedures and Subdivision Requirements for Major Subdivisions

- Section 5.1. Plats Required
- Section 5.2. Preliminary Plat Procedures
- Section 5.3. Preliminary Plat Application
- Section 5.4. Requirements of the Preliminary Plat

Section 5.1. PLATS REQUIRED.

In order to secure approval of any proposed subdivision, the applicant shall submit to the county, a subdivision application as required by this ordinance. The applicant of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat.

Section 5.2. PRELIMINARY PLAT PROCEDURES.

In obtaining preliminary approval of a proposed subdivision by the county, the applicant shall submit a preliminary plat in accordance with the following procedures:

1. The application shall be considered as officially filed after the zoning administrator has examined it and found it 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. The applicant shall prepare and file with the zoning administrator fifteen (15) copies of a preliminary plat confirming in detail to the requirements set forth in this ordinance and required supplementary material. The zoning administrator shall maintain a copy of the plat for public inspection.
2. The zoning administrator shall transmit copies of the preliminary plat to the county engineer, county environmental health specialist, county auditor, and any other official body or agencies as may be directed by the Board of Supervisors. In addition to a copy of the preliminary plat, two (2) copies of the typical cross sections of proposed streets shall be transmitted to the county engineer, if applicable. The county engineer shall examine said plat as to its compliance with the requirements or the ordinances and standards of the county, the existing street system, sound engineering practices, and shall, as soon as is possible, submit the findings to the planning commission.
3. Comments and recommendations shall be filed with the zoning administrator as soon as practical, but normally within thirty (30) 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 planning commission. The planning commission shall study the preliminary plat and other material for conformity to the minimum standards and requirements as outlined in these regulations. The planning commission may confer with the applicant on changes deemed advisable and the kind and extent of such improvements to be made.
4. Before taking action on each application, the planning 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. A notice of the public hearing shall be given by at least one publication in an official newspaper in the county, within the period required by Iowa Code. The planning commission may recess a hearing in order to serve further notice upon other owners or occupants of property that the commission determines may be interested in the amendment or to obtain additional information. Upon recessing for this purpose, the planning commission shall announce the time and date when said hearing will be resumed.

- 5 The planning commission shall transmit to the Board of Supervisors its written recommendation within sixty (60) days of the filing of the plat with the zoning administrator. The planning commission may recommend that the preliminary plat be approved; approved with specified conditions; or the preliminary plat may be disapproved. If the commission does not act within sixty (60) days, the preliminary plat shall be deemed to have been approved, and shall receive due consideration by the Board of Supervisors.
6. If approved, the planning commission shall express such approval in its minutes. If disapproved, the planning commission shall express its disapproval and its reasons therefore to the applicant in its minutes. The action of the planning commission shall be forwarded to the Board of Supervisors.
7. The Board of Supervisors shall examine the preliminary plat, reports of the county engineer, zoning administrator, or county environmental health specialist, the report of the planning commission, and such other information as it deems necessary or desirable. Upon such examination the board shall ascertain whether the plat conforms to the ordinances and standards of the county, conforms to the comprehensive plan and other duly adopted plans of the county, and will be conducive to the orderly growth and development of the county in order to protect the public health, safety, and welfare. Within thirty (30) calendar days from the date of receipt of recommendation on the proposed subdivision from the planning commission, the Board of Supervisors shall hold a hearing on the proposed subdivision application. Notice of the hearing shall be given as provided by law.
8. The Board of Supervisors shall consider the planning commission's recommendation and may disapprove the preliminary plat; refer it back to the commission for further consideration of specified matters; or approve the preliminary plat with or without specified conditions to be accepted by the applicant. Such preliminary plat shall be adopted by a resolution of the Board of Supervisors. If the decision of the Board of Supervisors is to disapprove the plat, or approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the board, and such decisions shall be provided to the applicant.
9. Approval of the preliminary plat shall not constitute final acceptance of the subdivision by the Board of Supervisors, 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.
10. Approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the applicant shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the board.

11. The Board of Supervisors 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 the applicant applies for an extension of time of submission of any part of a phased subdivision, which is subsequently granted by the board, equal extensions are automatically granted for each of the remaining phases. The applicant shall apply only once for an extension of time, whether or not the preliminary plat is phased. If the Board of Supervisors refuses to grant an extension of time, the applicant shall apply for approval of the final plat to the board within the appropriate time originally required or 60 days from the day the extension request is denied by the board.
12. If any portion of the land to be subdivided lies within two (2) miles of any city within the county that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Board of Supervisors shall defer final action on the plat until action has been taken by each city affected.

Section 5.3. PRELIMINARY PLAT APPLICATION.

An application for preliminary plat approval shall be filed with the zoning administrator, upon the form provided, for submission to the planning commission. A fee as specified by the Board of Supervisors shall accompany the application. The application shall contain the following information and documentation:

1. Names, addresses and phone numbers of the applicant(s) or applicant's agent, if other than the applicant.
2. Names, addresses and phone numbers of professional consultants advising the applicant with respect to the proposed subdivision.
3. Proposed name of the subdivision that is not the same or similar to any other existing subdivision in Emmet County. The County Auditor shall approve all subdivision names.
4. Street address or general location and legal description of the subject property.
5. Present and proposed zoning district classification of the subject property.
6. Existing and proposed uses of the subject property.
7. Statement of any protective covenants or deed restrictions, proposed to be recorded with the final plat.
8. Statement of proposed method of water supply, sanitary sewage treatment and disposal of storm waters from the subject property.
 - a. In the event private wells are the proposed method of water supply the applicant shall submit evidence of the availability of water on the site.
 - b. In the event onsite wastewater treatment and disposal systems are the proposed method of sanitary sewer treatment the applicant shall submit evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.
9. Statement of the manner in which it is proposed to finance improvements, if public improvements are to be made.
10. Statement of the general nature and type of improvements proposed for the subdivision, and in what manner the applicant intends to provide for their installation. The approximate time that such improvements will be completed shall be indicated.

11. Submit fifteen (15) clearly legible copies of the preliminary plat. Where more than one sheet is required, the sheets shall show the sheet number and total number of sheets in the plat, and match lines indicating where other sheets adjoin.
12. Submit two (2) copies of the plans showing the typical cross sections and center line profiles with approximate grades of all proposed public or private streets, if requested by the county.
13. Statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

Section 5.4. REQUIREMENTS OF THE PRELIMINARY PLAT.

The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show, on a map, all facts needed to enable the planning commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The applicant, or applicant's representative, may call the county in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat. The preliminary plat shall be clearly marked "preliminary plat" and show, or have attached thereto, the following information:

1. GENERAL. Title, scale, north arrow, and date. The preliminary plat shall be prepared by a licensed engineer or licensed land surveyor at a convenient scale of not less than one inch (1") equals 100 feet; provided, however, that those areas of more than 100 acres may be at a scale of one inch (1") equals 200 feet.
2. NAME. Proposed name of the subdivision, of which such name shall not duplicate or resemble existing subdivision names in Emmet County.
3. LEGAL DESCRIPTION. A description of the subject property prepared by a 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 foot), with reference to section or quarter section lines.
4. OWNER. Name and addresses of applicant(s) or applicant's agent, if other than the applicant, and the name and address of the licensed engineer and/or land surveyor who prepared the plan.
5. KEY MAP. A vicinity map adequately covering the area within one-half mile radius of the proposed Subdivision, at a scale of not less than one inch equals 2000 feet, showing the relation of the plat to the surrounding properties, streets, parks, schools and major commercial/industrial developments, and the boundary of the drainage area affecting the plat.
6. BENCHMARK. The location, elevation and descriptions of the bench mark controlling the survey.
7. NEIGHBORS. All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of owners of unsubdivided parcels of land immediately adjoining the proposed subdivision. A list of the names of all owners of record of property and the names of occupants within 500' of the subdivision's boundaries shall be attached.
8. ACRES. Acreage of the land to be subdivided.

9. CONTOUR. Existing contour lines at intervals of not more than five (5) feet provided however that a minimum of two (2) contours shall be shown on any plat.
10. INFRASTRUCTURE. The location of all property lines, streets and alleys, existing or proposed buildings, railroads, underground utilities, watercourses, tree masses, and other features affecting the plan. The location and manner of providing water supply and sewage treatment facilities.
11. BOUNDARIES. Boundaries of the proposed subdivision, showing dimensions, bearing, angles and references to section, townships and range lines or corners shall be indicated by a heavy line.
12. STREETS. The location, right-of-way width, grades, surfacing width and names of all existing streets and easements of access, railroad right-of-ways, and utility easements within the subdivision and within 200 feet thereof. Additionally, a typical cross-section of the proposed streets shall be provided showing the type and width of surfacing, the type of drainage and other improvements to be installed as required by existing county specifications.
13. LOTS. The location, dimensions, building setback lines, identification number and lot area of all proposed lots.
14. PUBLIC USE. The location, dimensions and area of all property proposed to be set aside for park or public use, or other public or private reservation as shown for such purpose in the comprehensive plan or other adopted plans.
15. EASEMENTS. Existing and proposed easements showing their locations, widths, purposes and distances.
16. UTILITIES. Present and/or proposed utility systems or services, the location and size or capacity of all existing sanitary systems, storm sewers, wells, culverts, water mains, gas lines, power, communications and other utilities infrastructure within or immediately adjacent to the proposed subdivision. The location of watercourses and drainage ditches.
17. NATURAL RESOURCES & FLOODPLAIN. 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. Proposed subdivisions located within areas subject to flooding shall include a contour line depicting the boundary of 100 year flood as shown in the Emmet County, Iowa, floodplain study prepared by the Federal Emergency Management Agency.
18. ZONING. Existing and proposed zoning of the proposed subdivision and adjoining property.
19. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as required by the planning commission or the Board of Supervisors.
20. FEE. The platting fee, as required by this ordinance and as established by resolution of the Board of Supervisors.

ARTICLE VI

Final Construction Plans and Inspection of Improvements For Major Subdivisions

Article VI: Final Construction Plans and Inspection of Improvements for Major Subdivisions

Section 6.1.	Required Improvements
Section 6.2.	Submission of the Final Construction Plans
Section 6.3.	Contents of Final Construction Plans
Section 6.4.	Review of Final Construction
Section 6.5.	Construction Improvements
Section 6.6.	Inspection
Section 6.7.	Final Inspection
Section 6.8.	Acknowledgement if Improvements
Section 6.9.	Report to County Board
Section 6.10.	Maintenance Bond

Section 6.1. REQUIRED IMPROVEMENTS

Upon approval of a preliminary plat from the Board of Supervisors and prior to application for final plat approval, the applicant shall:

1. Construct and install the required improvements, or;
2. Post a performance guarantee or a letter of credit from a lending institution for the total cost of the improvements, or;
3. Construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed.
4. Compliance with standards used for paving in Emmet County as per the county engineer.

Section 6.2. SUBMISSION OF THE FINAL CONSTRUCTION PLANS

The applicant shall have a licensed engineer prepare the final construction plans for the proposed required public improvements containing the data and information specified in Section 6.3. Four (4) 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 in a resolution adopted by the Board of Supervisors.

1. In the event the applicant chooses to construct and install the required improvements, as specified in Section 6.1, Subsection 1, said final construction plans shall be submitted to the county engineer at least 30 calendar days prior to the date when the construction will commence.
2. In the event the applicant chooses to post a performance guarantee for the total cost of the required improvements, as specified in Section 6.1, Subsection 2, said final construction plans shall be submitted to the county engineer at least 30 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; and estimated and certified by the applicant's licensed engineer. The 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 improvements. The county engineer shall decide if the amount of the estimate is adequate for setting the amount of the performance guarantee.

3. In the event the applicant 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 Section 6.1, Subsection 3, said final construction plans shall be submitted to the county engineer at least 30 calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the applicant 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 Section 6.2, Subsection 2.
4. 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 applicant to resubmit the detailed engineering estimates of cost and a new performance guarantee as required in Section 6.2, Subsection 2.

Section 6.3. CONTENTS OF FINAL CONSTRUCTION PLANS

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

1. 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 geometries for each street with a typical cross section. The profiles of grade lines shall be shown to a scale of not less than one inch equals one hundred feet (1" = 100') horizontal, and one inch equals ten feet (1" = 10') vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the county engineer.
2. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements
3. Plans, profiles, details, specifications and cost estimates of proposed water distribution systems, water supply facilities and water hydrants, if any, along with well test results, when so required, shall be provided to the county environmental health specialist.
4. Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any, along with soil boring tests and/or percolation test, when so required, shall be provided to the county environmental health specialist.
5. 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 and other Iowa DNR permits, as applicable.
6. 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.
7. All plans shall be based on U.S.G.S. datum for vertical control and datum shall be noted on the plans.
8. All plans for underground utilities shall be prepared by or at the direction of the utility company involved.

Section 6.4. REVIEW OF FINAL CONSTRUCTION

Following review by the county engineer, comments on the final construction plan review shall progress to the zoning administrator for review and comments. The county engineer shall review the final construction plan in order to determine whether such plan is consistent with the approved preliminary plat and comply with the applicable design standards and specifications described in Article VII shall be reviewed by the zoning administrator, planning commission, and/or Board of Supervisors. If the county engineer submits a notice to the zoning administrator that the plan is consistent and do comply with the identified sections of this ordinance, the zoning administrator shall return one signed copy of the reviewed final construction plans to the applicant. In the event that such plan does not conform or comply, the zoning administrator shall notify the applicant of the specific manner in which plan does not conform or comply, and the applicant may then correct such plan. If such plan is not corrected, the zoning administrator may disapprove the plan.

Section 6.5. CONSTRUCTION OF IMPROVEMENTS

Improvements shall not be constructed nor shall any work preliminary thereto be done until such time as the zoning administrator (or designated reviewer) shall have reviewed the final construction plans. The zoning administrator shall be notified of construction at time of bid letting or successful negotiation with contractor. When notified, the zoning administrator and applicant shall set up a pre-construction meeting with the contractor (and other designated parties) prior to commencement of construction.

Section 6.6. INSPECTION

It is the responsibility of the applicant 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 applicant shall provide:

1. Construction inspection by a qualified inspector as agreed upon by the county engineer during all phases of the construction. Daily progress reports and quality control reports must be maintained and submitted weekly to the county engineer.
2. Quality control testing shall be performed by the applicant and the results submitted to the county engineer.

Section 6.7. FINAL INSPECTION

Upon completion of all private improvements within the area covered by the final plat, the applicant shall submit to the county engineer, all final construction plans of record that have been sealed by the design engineer. On public improvements, the county engineer shall conduct a final inspection of all improvements installed and dedicated to the public. 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 applicant of such defects, deficiencies or deviations and the applicant shall correct such defects, deficiencies or deviations within six months of the date of notification. When such defects, deficiencies or deviations have been corrected, the applicant shall again notify the county engineer that the improvements are ready for final inspection.

Section 6.8. ACKNOWLEDGEMENT OF IMPROVEMENTS

Prior to the written acknowledgement by the county engineer that improvements are completed, the applicant shall provide:

1. Certification by the applicant's licensed engineer that the work was completed in accordance with plans and specifications and meets all applicable county standards.
2. Two (2) sets of construction plans of record will be required to be submitted to the zoning administrator and county engineer prior to acknowledgement of the completed construction of the required improvements.
3. The applicant shall submit an electronic copy of all construction plans of record in a CADD and/or GIS version that is compatible with county software.

Section 6.9. REPORT TO COUNTY BOARD

If the final inspection indicates all improvements are installed in accordance with the final construction plans, and that no apparent defects, deficiencies or deviations have been noted, the zoning administrator shall certify to the Board of Supervisors, within five working days from the completion of inspection that final inspection has occurred. The receipt of such notification by the board shall constitute the date on which the two year period specified in Section 6.10 shall commence.

Section 6.10. MAINTENANCE BOND

The applicant 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 in accordance with Section 6.8.

ARTICLE VII

Final Plat Procedures and Submission Requirements For Minor and Major Subdivisions

Article VII: Final Plat Procedures and Submission Requirements for Minor and Major Subdivisions

Section 7.1.	Final Plat Procedures
Section 7.2.	Final Plat Application
Section 7.3.	Requirements of the Final Plat
Section 7.4.	Final Plat Attachments
Section 7.5.	Property Splits
Section 7.6.	Property Line Adjustments

Section 7.1. FINAL PLAT PROCEDURES.

In obtaining final approval of a proposed subdivision by the Board of Supervisors, the applicant shall submit a final plat in accordance with the following order and procedure:

1. The application shall be considered as officially filed after the zoning administrator has examined it and found it 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. If the final plat is refused, the zoning administrator shall notify the applicant within five working days and follow up in writing. The applicant shall submit to the zoning administrator fifteen (15) copies of the final plat and supplementary materials. One (1) copy of the final plat shall be GIS compatible in digital format suitable to the county's current GIS software. The zoning administrator shall maintain one (1) paper copy for public inspection.
2. 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 any comments by the county engineer, county environmental health specialist or any other county official having an interest in such review shall be submitted to the Board of Supervisors.
3. The final plat shall be forwarded to the planning and zoning commission for review. The planning commission shall study and consider the final plat within forty-five days (45) days after receipt of the final plat, the planning commission shall transmit all copies of the final plat along with its recommendations to the Board of Supervisors. Said recommendations shall include approval, disapproval or suggestions for modifications and reasons thereof. Said recommendations shall be on an advisory nature only. If the planning commission does not act within forty-five (45) days, the final plat shall be deemed to have received a favorable recommendation in all respects and shall then receive due consideration by the Board of Supervisors. If the recommendation is to disapprove the plat, or require modification of the plat, the reasons shall be set forth in writing and provided to the applicant.
4. The Board of Supervisors shall consider the proposed final plat at public hearing. Notice of the public hearing shall be given as specified in Chapter 21, Code of Iowa, as amended.
5. The Board of Supervisors, within thirty (30) calendar days from the date of receipt of recommendation from the planning commission, shall either disapprove the final plat, or approve the final plat and may accept the dedication of all streets, easements, parks and other public grounds intended for public use. Adoption of a resolution shall require an affirmative vote of at least a majority of those voting. If said plat is disapproved by the board, such disapproval shall point out in writing wherein said proposed plat is objectionable.

6. Approval of the final plat by the Board of Supervisors 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 applicant within that time and granted by the board.
7. Any resolution adopted by the Board of Supervisors approving a final plat shall be given an official resolution number and in the minutes of proceedings of the board. If the final plat is approved by the Board of Supervisors, the zoning administrator shall retain one print copy and distribute one copy to each of the following: county engineer, county environmental health specialist, county auditor, county assessor, emergency management services and the appropriate city, if any. One copy to the county recorder, to be recorded in accordance with the provisions of Chapter 354, Code of Iowa.
8. In the event a applicant has posted a performance guarantee in lieu of actual construction of required improvements, the Board of Supervisors may, within thirty (30) days prior to the expiration of the performance guarantee, review the development of the subdivision and may direct the zoning administrator to execute the performance guarantee in order to assure the required improvements are completed.

Section 7.2. FINAL PLAT APPLICATION.

Following the approval of the preliminary plat the applicant shall file, upon the form provided, an application for final plat approval with the zoning administrator for submission to the Board of Supervisors. The application shall be accompanied by a fee as established by the board. The application shall contain the following information and documentation:

1. The names, addresses and telephone numbers of the applicant(s).
2. The names, addresses and telephone numbers of all professional consultants advising the applicant with respect to the subdivision.
3. The approved name of the subdivision.
4. A copy of any protective covenants or deed restrictions affecting the subdivision.
5. The performance guarantee, if required, as described in Article VI. If the required improvements have been completed in lieu of a performance guarantee, then a certificate signed by the county engineer approving the installation of any required public improvements.
6. Copies of the final plat of the following types and sizes, all of which shall bear the original signatures on the required certificates.

Section 7.3. REQUIREMENTS OF THE FINAL PLAT.

The applicant shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file the final plat and required attachments, as set forth in this ordinance. The final plat shall be prepared by a registered engineer or licensed land surveyor at a clearly legible scale of not less than one inch equals one hundred feet (1" = 100'). 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 show the following:

1. The approved name of the subdivision.

2. The date of the document, approximate true north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.
3. The names and addresses of the applicant(s) and the engineering or surveying firm that prepared the final plat.
4. The location by section, township, range, county and state and including descriptive boundaries of the subdivision, based on accurate traverse, giving angular and linear dimensions. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
5. The exact location and layout of lots, 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.
6. All building setback lines in accordance with the zoning ordinance and easements, with figures showing their dimensions.
7. The location of all existing and new streets within the subdivision.
8. The names and width of all existing and new streets within the subdivision.
9. Block and lot number; and the area of each lot within the subdivision.
10. 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.
11. All surveyors' monuments to be of record, as required by Chapter 114A, Code of Iowa, together with their descriptions including ties to original government corners.
12. The accurate dimensions of all property that is to be dedicated or reserved for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
13. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
14. A strip of land shall not be reserved by the applicant unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.

Section 7.4. FINAL PLAT ATTACHMENTS.

The final plat shall have the following documents attached when presented for final filing.

1. **ENGINEER'S STATEMENT.** A certificate signed by a licensed land surveyor, as required by Chapter 355, Code of Iowa.
2. **DEED RESTRICTIONS.** The recorded reference of any protective covenants or deed restrictions affecting the subdivision shall be shown as a notation on the final plat.
3. **APPLICANT'S STATEMENT.** A statement by the applicant(s), as required by Chapter 354.11, Code of Iowa, as amended.

4. **ATTORNEY'S OPINIONS.** A complete abstract of title and attorney's opinion showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond. A statement showing the fee title to the subdivision land is in the owner's name as shown on the plat and showing all taxes due shall have been previously paid and that there are not outstanding liens on the property.
5. **ZONING CERTIFICATE.** A certificate to be signed by the zoning administrator approving the final plat with respect to compliance with the requirements of the zoning ordinance.
6. **ENGINEER'S CERTIFICATE.** A certificate to be signed by the county engineer indicating receipt and review of the final plat with respect to the identified public improvements, if any. Prior to such certification, construction plans of record for all improvements to become property of the county shall have been provided to the county engineer. A statement shall be received by the county engineer from the applicant stating the applicant shall warrant all required improvements, installation and/or construction by this ordinance in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat for a period of two (2) years from and after the date of acceptance by the county. In lieu thereof, the county may certify that a performance bond or cash payment guaranteeing completion has been approved by the county attorney and filed with the county auditor, or that the governing body has agreed that the county will provide the necessary improvements and installations and assess the costs against the applicant of future property owners in the subdivision.
7. **COUNTY AUDITOR'S FILING AND APPROVAL CERTIFICATE:** A certificate from the county auditor acknowledging the documents were filed in the office of the county auditor, and approving the designation of the plat as an acceptable subdivision plat title of property.
8. **RESOLUTION ACCEPTING IMPROVEMENTS.** Where the improvements have been installed, a resolution accepting and approving such improvements along with the maintenance bond required by this ordinance.
9. **FILING FEES.** 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. Whether the request is granted or denied by the zoning administrator, county engineer, planning commission, or Board of Supervisors; the applicant shall not be entitled to a refund of the fee paid.

Section 7.5. PROPERTY SPLITS.

Emmet County shall review and approve all property splits affecting any subdivision or lot, tract or parcel of said subdivision.

Section 7.6. PROPERTY LINE ADJUSTMENTS

Emmet County shall review and approve all property line adjustments within a subdivision. Property line adjustments shall meet the definition with this ordinance.

ARTICLE VIII

Design Standards

Article VIII: Design Standards

Section 8.1.	Conformance to Applicable Rules and Regulations
Section 8.2.	Land Suitability
Section 8.3.	Acre Subdivision
Section 8.4.	Streets
Section 8.5.	Alleys
Section 8.6.	Railroads
Section 8.7.	Lots
Section 8.8.	Lot Access
Section 8.9.	Water Bodies and Water Courses
Section 8.10.	Easements
Section 8.11.	Plat Markers and Monuments
Section 8.12.	Self Imposed Restrictions
Section 8.13.	Chain Subdividing

Section 8.1. CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.

No subdivision shall be approved by the county unless it has been reviewed for conformity regarding the minimum requirements contained herein. In addition to these requirements, all subdivisions shall comply with the following:

1. The Emmet County Zoning Ordinance and all other applicable laws, rules and regulations of the appropriate local jurisdictions.
2. The comprehensive land use plan and all other applicable plans adopted by the county.
3. All applicable road design manuals, design guides, instructional memoranda, standard specifications, design criteria and regulations that apply to Emmet County secondary roads (county engineer's office), as well as all other officers, departments and boards.
4. All applicable laws, rules and regulations of the state and its duly constituted agencies.
5. Approval may be withheld if the subdivision is not in conformity with the above laws, rules and regulations, and the purposes of this ordinance, as established in Section 1.2.

Section 8.2. 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 residents of the county, until such time as conditions causing the unsuitability are corrected. The following general standards shall apply:

1. The Board of Supervisors 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 100 year floodplain of any river or stream, into individual lots.
2. Whenever a subdivision is submitted for an area which is subject to ponding or poor drainage, the Board of Supervisors may approve such subdivision, subject to local, state, and federal (404 CFR) regulations, provided the applicant 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 foot above the elevation of the maximum probable flooding, as determined

by the applicant's engineer, and reviewed by the county engineer and county emergency management. 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 review by the county engineer. Areas of extreme ponding or poor drainage should be discouraged.

3. Whenever a subdivision is submitted for an area which is intended to be served by individual septic systems, the Board of Supervisors may disapprove such subdivision if any of the following conditions exist: a) lands altered or filled with non-earth materials, b) soils having a percolation rate of slower than one inch per 60 minutes, c) lands drained by farm drainage tile or farm ditch systems or d) lands having rock, impervious clay or ground waters closer than 36 inches to the final grade of the ground.
4. 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 Board of Supervisors may approve the subdivision provided the applicant submits plans to correct and alleviate such unsatisfactory conditions.
5. The Board of Supervisors, 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 applicant the opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the board may affirm, modify or withdraw its determination of unsuitability.

Section 8.3. ACRE SUBDIVISION.

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

Section 8.4. STREETS.

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

1. **STREET STANDARDS.** Street standards including, but not limited to, right-of-way widths, grades, sight distances, vertical curve length, road surface, and road width/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 along public rights-of-way shall meet or exceed the minimum requirements currently utilized by the county engineer.
2. **DEAD-END STREETS.** Dead end streets are prohibited, except where a street is planned to continue past the applicant's property, a temporary dead end may be allowed. Dead-end streets shall be no longer than 1,350 feet.
3. **CUL-DE-SACS.** Streets that connect with other streets, or loop streets, are preferable for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Cul-de-sacs should not exceed six hundred feet (600') in length unless a greater length is unavoidable. A turnaround having minimum turnaround radius of one hundred feet (100').

4. **GUARD RAILS & WARNINGS.** 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.
5. **CURB AND GUTTER.** 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.
6. **CORRECTIONS.** Bump correction or smoothness correction or both may be required.
7. **FRONTAGE OR ACCESS STREETS.** Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Board of Supervisors may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.
8. **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 spelling from other street names in the county so as not to cause confusion. The Board of Supervisors 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 that are in alignment with other existing named streets shall bear the names of existing streets. The name of a proposed street that is not in alignment with an existing street shall not duplicate the name of any existing street, regardless of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, highway, parkway or other similar suffix. All street names shall be coordinated with Emmet County 911 addressing.
9. **STREET ALIGNMENT.** Streets shall provide for the continuation of arterial and collector streets from adjoining platted areas, and the extension of such streets into adjoining unplatted areas. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street alignment shall also be such as to cause no hardship to owners of adjoining property when platting their own land and seek to provide access to it.
10. **HALF STREETS.** The platting of half streets is not permitted, except when a dedicated or half street exists adjacent to the tract to be subdivided the other half shall be required.
11. **STREET OFFSETS.** Streets with centerline offsets of less than one hundred and fifty (150) feet shall be prohibited, except where topography or other physical conditions make such offsets unavoidable.
12. **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.
13. **DEDICATION OF STREETS.** If streets in the subdivision are accepted by the county as public streets dedication to the county shall be given for all public streets before the same will be accepted for county maintenance.
14. **ROAD RIGHT-OF-WAY.** The planning commission and the Board of Supervisors shall reserve the right to request street or road right-of-ways at a greater width than indicated if conditions of the subdivision demand such.
15. **STREET GRADES.** All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one half of one percent (0.5%). The

Board of Supervisors shall not approve the streets that will be subject to inundation or flooding. All streets must be located at elevations that will make them flood-free in order that portions of the subdivision will not be isolated by floods. The board shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Street grades shall align to existing streets, and all grades for streets shall be as approved by the county. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level.

16. STREET SIGNS. At the time of final plat approval, the applicant shall install street regulatory signs, including street name signs, as designated by the county along all streets and at all intersections within or abutting the subdivision.
17. 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 be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites 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.
 - b. 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.
 - c. 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.
 - d. 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 Board of Supervisors 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.
 - e. Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than sixty (60) degrees.

Section 8.5. ALLEYS.

Alleys may be permitted in commercial and industrial zoning districts, and except where justified by unusual conditions alleys will not be approved elsewhere in Emmet County.

1. Alleys may be provided to grant access to the rear of all lots used for commercial and industrial purposes; except the county engineer may waive this where other definite and assured provisions have been made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
2. The width of any alley shall be a minimum of twenty feet (20').
3. Dead-end alleys shall be provided with a means of turning around at the dead-end.

Section 8.6. RAILROADS.

If a railroad is involved, the subdivision plan should:

1. Be so arranged as to permit, where necessary, future grade separation at highway crossings of the railroad.
2. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad, or form a buffer strip for park, commercial, or industrial use
3. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.

Section 8.7. 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 zoning ordinance and in providing driveway access to buildings on such lots from a street.

1. Dimensions. The size and shape of all lots shall comply with all requirements of the zoning ordinance for the zone in which the lot is located.
2. Corner Lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both streets.
3. Every Lot shall abut and have access to a public street.
4. 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. Generally, the lot design shall be such that all lots provide satisfactory and desirable building sites properly related to topography, drainage, sanitation and the character of adjacent developments.
5. Lot Drainage. Each lot in a subdivision shall contain a building site completely free from the danger of flooding. 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
6. Lot Lines. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

Section 8.8. LOT ACCESS.

1. When two (2) lots or more are platted, per this ordinance, each lot shall take access from the adjacent road by means of a shared driveway or an access road unless waived by the Board of Supervisors after review and recommendation of the county engineer. The driveway or access road shall be required to have all necessary easements agreed to by all property owners prior to final plat approval. Access drives and frontage roads off a shared driveway shall have a minimum driving surface of twenty two feet (22') in width.
2. When a single lot is split from a larger tract and has yet to meet the subdivision definition under this ordinance, the applicant will be required to indicate on said survey plat the location for future shared driveway or access road easements.

3. It shall be the financial responsibility of the applicant 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. The subdivision applicant or an individual lot owner shall obtain a permit to construct and/or widen a driveway, or field entrance from the Emmet County Engineer prior to entrance construction.
4. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within one hundred feet (100') of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

Section 8.9. WATER BODIES AND WATER COURSES.

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 frontage of adjacent lots. The Board of Supervisors reserves the right to reject plans whereby the ownership of land responsibility for the safe maintenance of the water body is so placed that it will 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's 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 reviewed by the county engineer and/or IDNR within the road rights-of-way.

Section 8.10. EASEMENTS.

Easements shall be provided for utility service, including storm water drainage, where necessary.

1. Easements for sanitary sewer, storm water facilities, and water supply and distribution lines shall be at least 20 feet in width and other easements shall be at least 10 feet in width. All easements established for water, sewer, telephone, electrical, cable, data transmission and other unidentified technologies may be placed in the front, rear or side of each lot and provide continuity of alignment from block to block. However, the combined width of such easements shall be equally divided between adjoining lots in any proposed subdivision. No permanent buildings or structures, except for utilities, shall be permitted on such easements.
2. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by a utility or the Board of Supervisors.
3. If the Board of Supervisors deems it necessary for proper drainage within or through a subdivision, it shall require a storm water easement or drainage right-of-way be provided.
4. 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 applicant(s) 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.

5. 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 8.11. PLAT MARKERS AND MONUMENTS.

The surveyor shall cause to be placed permanent reference monuments in the subdivision as required in Chapter 355, Code of Iowa, as amended. Additionally, permanent plat markers shall be placed at all block corners, angle points, points of curves in streets, lot corners and all such intermediate points with an iron pin or pipe monument at least thirty inches (30") long, five-eighths inch (5/8") diameter re-rod, with a surveyor's identification cap attached, or as per state code. The applicant shall provide the county with GPS (global positioning system) coordinates on all plat markers and monuments.

Section 8.12. SELF IMPOSED RESTRICTIONS.

The Board of Supervisors, following the review and comment of the planning commission, shall have the right to agree with the applicant regarding the type and character of the development to be permitted within the subdivision, and may require 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.

Section 8.13. CHAIN SUBDIVIDING.

No more than three (3) building or zoning permits for principal use structures shall be issued for each separate tract existing at the effective date of this ordinance unless the tract has been platted in accordance with this ordinance. This provision shall not limit the number of building permits that may be issued for accessory buildings as defined within the zoning ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

ARTICLE IX

Improvements

Article IX: Improvements

- Section 9.1. Improvements Required
- Section 9.2. Resubdivisions
- Section 9.3. Water Supply
- Section 9.4. Sanitary Sewer
- Section 9.5. Storm Sewer
- Section 9.6. Specifications
- Section 9.7. As Builts

Section 9.1. IMPROVEMENTS REQUIRED.

The applicant shall be responsible for the installation of all public improvements, if required and accepted by Emmet County, and shall warrant the design, materials, and workmanship of such improvements, installation and construction for a period of two (2) years from and after the date of approval of the final plat. Such warrant shall be by bond or other acceptable collateral subject to review by the county attorney. It shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the county from any and all costs resulting from or attributed to defective improvements. All required improvements shall be constructed in accordance with design standards established for such improvements.

Before the Board of Supervisors approves the final plat, all foregoing improvements shall be constructed and accepted by formal resolution of the board. Before passage of said resolution of acceptance, the county engineer and other county positions having jurisdiction over such development shall review the improvements for compliance with the Emmet County subdivision requirements. This requirement may be waived if the applicant will post a performance bond or certified check with Emmet County, guaranteeing said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the county of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. If a performance bond or cash bond is posted, such bond shall be subject to review by the county attorney prior to acceptance, shall specifically assure the expedient completion of all improvements within the specified time period, and shall indemnify Emmet County, Iowa, from any and all costs or losses of the development and construction.

Section 9.2. RESUBDIVISIONS.

The Board of Supervisors may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is desired by a public agency in lieu of purchase or condemnation.

Section 9.3. WATER SUPPLY.

The applicant 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 notice of approval from the county environmental health specialist)

1. Where an adequate **public or rural water supply** system is reasonably accessible, the applicant shall provide a connection to such water supply system, including all hydrants, valves, 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 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 to support the use of fire hydrants, in the opinion of the county, and as agreed upon by the county and water supplier or distributor. Fire hydrants shall be required for all subdivisions provided with a public water supply and placed in accordance with the Uniform Fire Code. 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.
2. Where an adequate public or rural water supply system is not reasonably accessible, the applicant may provide a **common or shared 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 (I.A.0 Code 567). The applicant shall submit, with the final plat, acceptable evidence of the availability of water on the site. The applicant may be required to make one or more test wells within the boundaries of the subdivision if the evidence is deemed unacceptable by the county. 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 Iowa Department of Natural Resources (I.A.0 Code 567). Wells, if approved, shall be drilled at the expense of the applicant, or at the expense of a subsequent lot owner at the time development of the lot takes place.
3. Where an adequate public or common water supply system is not reasonably accessible or not required, **private water wells** may be used to provide a private water supply system. The applicant shall submit, with the final plat, acceptable evidence of the availability of water on the site. The applicant may be required to make one or more test wells within the boundaries of the subdivision if the evidence is deemed unacceptable by the county. 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 Iowa Department of Natural Resources (I.A.0 Code 567). Wells, if approved, shall be drilled at the expense of the applicant, or at the expense of a subsequent lot owner at the time development takes place. If the Board of Supervisors approves the use of individual wells, lot sizes shall meet its approval.

Section 9.4. SANITARY SEWER.

The applicant 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 the Emmet County Sanitarian.):

1. Where an adequate public sanitary sewer system is reasonably accessible, the applicant shall provide a **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.

2. Where an adequate public sanitary sewer system is not reasonably accessible, the applicant may provide a **common or shared 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.
3. 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. The applicant 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 applicant may be required to make one or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision if the county deems the evidence unacceptable. Each test hole shall be numbered and its location and results shown on the final construction plans. Where a private water supply or sewage system is proposed, the applicant shall furnish evidence that these facilities have been approved by a registered engineer, licensed in the State of Iowa subject to the discretion of the environmental health officer. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the applicant, or at the expense of a subsequent lot owner at the time development of the lot takes place.

Section 9.5. STORM WATER SEWER.

All necessary improvements and adequate provisions shall be made to provide for the disposal of storm water, including storm sewers or open drainage ditches, culverts, retention ponds, stormwater basins, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface water and to maintain any natural drainage course. Storm water drainage can not exceed pre-development flow rates. All construction shall be in accordance with plans approved by the Emmet County engineer or by other officials having jurisdiction over a drainage district or watershed district. 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. The applicant shall provide design calculations and drawings indicating the proposed storm water management plan for the subdivision. No storm water management plan will be approved until it has been reviewed by the county.

Section 9.6. SPECIFICATIONS.

Plans and specifications for the installation of streets and/or public infrastructure shall be submitted to the county for approval prior to construction. Construction shall not be started until plans and specifications have been approved by the Emmet County engineer's office.

Section 9.7. CONSTRUCTION PLANS OF RECORD.

The applicant shall furnish the county with a complete set of copies of construction plans of record at the completion of the installation of public infrastructure and utilities.

ARTICLE X

PUBLIC SPACE DEDICATIONS

Article X: Public Space Dedications

Section 10.1. Park, Open Space & Public Use Dedications

Section 10.1. PARK, OPEN SPACE & PUBLIC USE DEDICATIONS.

In a new subdivision, where any planned or proposed public use, public parks, public recreation areas, or public access to water frontage which is shown on an official map or on the future land use map as part of the county's comprehensive plan is located in whole or in part in the applicant's proposed subdivision, the Board of Supervisors may require the dedication or reservation of such public open space within the proposed subdivision. Said open space land shall be developed as follows:

1. The common open space shall be accessible to all property owners within the subdivision.
2. 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.
3. Environmentally sensitive land such as stream beds, marshes, and steep slopes; detention and retention cells when designed to be incorporated into a public space layout and/or natural area where a wetland is created; or land set aside for future public space or recreation may be included or considered common open space.
4. Areas reserved for the exclusive use or benefit of an individual tenant or property owner; dedicated streets, common wells, sewer treatment facilities (except professionally designed wetlands treatment systems), open drainage ditches, drainage storage areas, other public right-of-ways, and other areas deemed unsuitable open spaces; or vehicular drives, parking, loading and storage areas shall not be included or considered common open space.
5. Suitable provisions for maintenance and upkeep of open space shall be provided through a homeowner's association, covenants, deed restrictions or through other similar provisions as may be approved by the Board of Supervisors.

If the county's comprehensive plan indicates or the Board of Supervisors require a public open space within the proposed subdivision, the applicant shall reserve the area for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by the last available Emmet County assessment rolls. After such time, the applicant may re-plat such property for the applicant's own purposes.

Natural features, historic sites, and similar county assets shall be preserved in parks and open spaces within new subdivisions.

ARTICLE XI

ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article XI: Administration, Enforcement & Amendment

- Section 11.1. Variations and Exceptions
- Section 11.2. Enforcement
- Section 11.3. Penalties
- Section 11.4. Other Legal Remedies
- Section 11.5. Changes and Amendments

Section 11.1. VARIANCES AND EXCEPTIONS.

Where in the case of a particular proposed subdivision is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict compliance with the requirements contained in this ordinance would result in substantial hardships or injustices to the applicant the Board of Supervisors, upon recommendation of the planning commission, may modify or vary such requirements to the end that the applicant is allowed to develop the property in a reasonable manner. However, all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare. In granting any variance, the planning commission may recommend and the Board of Supervisors may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. It is specifically herein provided that any variance, modification or waiver by the Board of Supervisors under the provisions of this section shall be granted only by the affirmative vote of seventy five percent (75%) of the members of the board.

It is provided that any specific variance, modification or waiver granted under this provision shall in no way affect the future and subsequent enforcement of this ordinance. Any variance, modification or waiver under this provision shall not be construed to amend or nullify either the intent or purpose of this ordinance. Under no circumstances shall any variance or modifications be greater than the least variance or modification of the ordinance requirement necessary to provide substantial justice; and in no instance shall such variation or modification be in conflict with any zoning ordinance.

Section 11.2. ENFORCEMENT.

In addition to other remedies and penalties prescribed by law, the provisions of this ordinance shall not be violated subject to the following:

1. No plat or subdivision shall be entitled to be recorded with the county recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and approved in the manner prescribed herein.
2. The zoning administrator shall not issue a zoning compliance permit for any structure located on any lot, parcel or tract in any subdivision, the plat of which has been prepared after the date of the adoption of this ordinance but which has not been approved in accordance with the provisions contained herein, unless and until any and all improvements required by this ordinance have been installed and accepted by the county.

3. The Board of Supervisors shall not permit any public improvements, over which it has control, to be made or any money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless such subdivision or street has been approved in accordance with the provisions of this ordinance contained herein. Streets not accepted by the Board of Supervisors for addition to the secondary road system shall be considered private roads.

Section 11.3. PENALTIES.

It shall be unlawful for the applicant, or the agent of an applicant, who knowingly or with intent to defraud, transfers, disposes or sells or agrees to sell or negotiates to sell such land before such plat has been approved, acknowledged and recorded as provided by this ordinance and Chapter 354, Code of Iowa, shall forfeit and pay a penalty of not less than one hundred dollars (\$100) per day and not more than five hundred dollars (\$500.00) per day for each lot so transferred, disposed of, leased or offered for sale. Any building erected in violation of this ordinance shall be deemed an unlawful structure and the zoning administrator or other appropriate official may bring action to enjoin such erection or cause it to be vacated or removed.

Any applicant or the agent of an applicant, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions contained in this ordinance shall be deemed guilty of a county infraction. A county infraction is a civil offense and shall pay a penalty of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) for the first offense. The penalty for second and subsequent offenses is seven hundred fifty dollars (\$750.00). Each and every day that the violation is permitted to exist after notification shall constitute a separate offense. Each and every violation (including each and every lot or parcel sold) or noncompliance of the separate provisions of this ordinance violated shall constitute a separate offense. This provision shall not apply to property owners that have acquired a lot or parcel from the applicant.

The applicant, and any agent, engineer, land surveyor, contractor, or other person, who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Enforcement of a county infraction shall be pursuant to Section 331.307, Code of Iowa, or any amendments thereto. Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including, but not limited to, criminal prosecution, as a simple misdemeanor; an order for abatement; or injunctive relief. Nothing herein contained shall prevent the county from taking such other lawful action as necessary to prevent or remedy any violation. All unpaid fines shall be established as a tax against said property owner and shall be assessed accordingly.

Section 11.4. OTHER LEGAL REMEDIES.

In addition to the penalties described above, the Board of Supervisors or other proper local authorities, as well as any owner of real estate within the jurisdiction of the county affected by the regulations, may institute appropriate action or proceedings to prevent any unlawful erection, construction, reconstruction, alternation, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises

Section 11.5. CHANGES AND AMENDMENTS.

Whenever in the interest of the public necessity, convenience, general welfare or good subdivision practice, the Board of Supervisors may amend the Emmet County Subdivision Regulations or amendments thereof by ordinance. An amendment to the text of this ordinance may be initiated by action of the board or planning commission; or by application of a property owner in Emmet County. An application for an amendment shall be filed, upon the form provided, with the zoning administrator for submission to the planning commission. The application shall be accompanied by a fee as specified by the board and by such data and information as may be prescribed by the planning commission. An amendment application shall contain a statement setting forth the proposed amendment to the regulations of this ordinance. The application shall contain the following information and documentation:

1. The name, addresses, and telephone number of the owner of the land and applicant, if other than the owner.
2. The precise wording of the proposed amendment.
3. A statement of the need and justification for the proposed amendment.
4. Such other and further information and documentation as the zoning administrator, planning commission or Board of Supervisors may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

Before taking final action on a proposed amendment to the text of this ordinance the planning commission shall 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. A notice of the public hearing shall be given by publication in an official newspaper in the county not less than four (4) days or more than 20 days prior to the public hearing. The planning 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 planning commission shall announce the time and date when said hearing will be resumed.

Following such hearing the planning commission may recommend that the application be granted as requested, it may recommend a modification of the text amendment requested, or it may recommend the application be denied. It shall be the duty of the planning commission to submit to the Board of Supervisors its written recommendation on all applications for amendments, supplements, or changes to the regulations established by this ordinance. After receipt of the written recommendation on the proposed amendment from the planning commission, the Board of Supervisors shall hold a public hearing thereon. Following such public hearing the board shall consider such recommendation by the planning 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 majority of the entire board. In addition to the official ordinance number enacting the provisions of this ordinance, all ordinances passed and approved by the Board of Supervisors 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 XXVII
ADOPTION

SUBDIVISION REGULATIONS ORDINANCE OF EMMET COUNTY, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE
BOARD OF SUPERVISORS OF EMMET COUNTY

ORDINANCE NO. _____

Passed and approved by resolution of the first ordinance reading on _____, 2012

Passed and approved by resolution of the second ordinance reading on _____, 2012

Passed and approved by resolution of the third and final ordinance reading on _____, 2012

Adopted on _____, 2012

Published on _____, 2012

Chair, Emmet County Board of Supervisors

ATTEST:

Emmet County Auditor

EDITOR'S NOTE

The following ordinances have been adopted amending the official Emmet County Subdivision Regulations Ordinance and have not been included as a part of this ordinance, but have been specifically saved from repeal and are in full force and effect.

[illegible]

Attachment A

PRELIMINARY PLAT CHECKLIST FOR SUBDIVISIONS

	Preliminary Plat Consultation Meeting/Plan Review with county officials. Date held: _____
	Plan Review _____ Location of subdivision _____ Vicinity map _____ Layout of streets, lots and other features _____ Proposed public use/open space areas _____ Proposed land uses _____ Proposed protective covenants, if any
	Date of Filing of Preliminary Plat with the county: _____ 60 Day Planning Commission action time limit: _____ 30 Day Time Limit for Supervisors Further Study and Action: _____
	15 copies of Preliminary Plat, containing or accompanied by:
	1. Title, scale, north arrow, date and official legal description of property being platted
	2. Name of subdivision
	3. Names and addresses of the recorded applicant(s) and person preparing the plat
	4. Key Map at a legible scale showing the general location in relation to surrounding developments
	5. Names and locations of adjacent subdivisions and names of owners of property within 500 feet of the proposed subdivision
	6. Identify the amount of acreage to be subdivided
	7. Show contour lines at intervals of no more than 5 feet (at least 2 contour lines).
	8. Location of all property lines, streets and alleys, existing or proposed buildings, railroads, utilities, etc.
	9. Boundaries of the proposed subdivision, showing dimensions, bearing, angels and references to section, townships and range lines or corners
	10. Location, names and widths of all existing and proposed roads, alleys, streets and highways and their right-of-ways
	11. Proposed layout of lots, showing lot numbers, dimensions, setback lines, and square feet
	12. Proposed parcels of land to be dedicated or reserved for public use
	13. Present or proposed easements showing location, width, purpose and limitations
	14. Present or proposed utility systems or services with the location and size or capacity of water, sewer and storm sewers and other water control or drainage structures
	15. The location of pertinent features such as water bodies, wetlands, woodlands or other natural features
	15. Existing and proposed zoning classifications of the land
	16. Any other pertinent information as deemed necessary and requested by the planning commission or Board of Supervisors
	17. The required platting fee
	All requested items identified in Section 5.4 of the Emmet County Subdivision Ordinance

Attachment B

FINAL OR MINOR PLAT CHECKLIST FOR SUBDIVISIONS

	Preliminary Plat Approval, if not a Minor Plat Date: _____
	Date of Filing of Final or Minor Plat: _____ 45 Day Planning Commission action time limit: _____ 30 Day Time limit for Supervisors Further Study and Action _____
	15 copies of Final or Minor Plat, containing:
	Scale shall be clearly stated, and graphically illustrated by a bar scale drawn on every sheet showing any portion of the land subdivided. Larger subdivisions that require more than one sheet shall show match lines and references
	1. Name of the subdivision
	2. Name and address of the applicant(s)
	3. A scale, north arrow, graphic bar scale and date on each sheet
	4. Location by section, range, township, county and state and including descriptive boundaries of the subdivision
	5. Exact location and layout of lots, streets with accurate dimensions and all other information to reproduce the plat on the ground
	6. All building setback lines in accordance with the zoning ordinance and easements, with figures showing dimensions
	7. The location of all existing and new streets within the subdivision
	8. The names and widths of all existing and new streets within the subdivision
	9. Block and lot number, and the area of each lot within the subdivision
	10. The location of easements
	11. All surveyor's monuments of record
	12. The accurate dimensions of all property that is to be dedicated or reserved for public use
	13. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision, if applicable
	Final Plat Attachments as identified in Section 7.4 of the Emmet County Subdivision Ordinance, of which include: • Engineer's Statement • Deed Restrictions • Applicant's Statement • Attorney's Opinion • Zoning Certificate • Engineer's Certificate • County Auditor's Filing and Approval Certificate • Resolution Accepting Improvements
	The required platting or filing fee.
	Performance bond if improvements are incomplete, or other performance guarantee acceptable to Supervisors
	Approval of the final plat by the Board of Supervisors shall be null and void if not recorded within 90 days after the date of approval, unless and extension is requested by the applicant.