



OSCEOLA COUNTY IOWA

A grayscale photograph of a large, multi-story brick building, likely a government or institutional structure, with many windows and a prominent central tower. The image is slightly faded and serves as a background for the title text.

2013 SUBDIVISION REGULATIONS ORDINANCE



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

OSCEOLA COUNTY, IA

2013

SUBDIVISION REGULATIONS ORDINANCE

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OSCEOLA COUNTY, IOWA SUBDIVISION REGULATIONS

TABLE OF CONTENTS

ARTICLE I - BASIC PROVISIONS

1.1. Short Title.....	2
1.2. Purpose.....	2
1.3. Jurisdiction.....	2
1.4. Application.....	2
1.5. Restrictive Covenants.....	3
1.6. Subdivision Classification.....	3
1.7. Recording of Plat.....	3
1.8. Auditor’s Plats.....	3
1.9. Plats within 2 Miles of the City Limits of Cities and Towns.....	3

ARTICLE II - DEFINITIONS

2.1. Definitions.....	4
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ARTICLE III – MINOR SUBDIVISION PROCEDURES AND REQUIREMENTS

3.1. Minor Plat Requirements.....	7
3.2. Review by Agencies.....	7
3.3. Procedures for Minor Subdivisions.....	7

ARTICLE IV - PRELIMINARY PLAT PROCEDURES AND DATA

4.1. Application Procedures.....	8
4.2. Preapplication Meeting with Planning Commission.....	8
4.3. Preliminary Plat Procedures.....	8
4.4. Requirements of Preliminary Plat.....	9

ARTICLE V - FINAL PLAT PROCEDURES AND DATA

5.1. Final Plat Procedures.....	12
5.2. Requirements of Final Plat.....	13
5.3. Final Plat Attachments.....	14

ARTICLE VI - DESIGN STANDARDS

6.1. General Requirements.....	15
6.2. Acre Subdivision.....	15
6.3. Streets.....	15
6.4. Alleys.....	17
6.5. Railroads.....	17
6.6. Blocks.....	18
6.7. Lots.....	18
6.8. Easements.....	19
6.9. Plat Markers & Monuments.....	19

ARTICLE VII - IMPROVEMENTS

7.1. Installation of Improvements.....	20
7.2. Resubdivisions.....	20
7.3. Suitability of the Land for Subdivisions.....	20
7.4. Required Improvements.....	21
7.5. General Requirements for Installation of Utilities.....	22
7.6. Specifications.....	23
7.7. As Built.....	23
7.8. Guarantees.....	23
7.9. Acceptance & Maintenance.....	23

ARTICLE VIII – PUBLIC SPACE DEDICATIONS

8.1. Park, Open Space & Public Use Dedications24
8.2. Other Public Space Regulations24

ARTICLE IX - ADMINISTRATION, ENFORCEMENT AND AMENDMENT

9.1. Fees Established25
9.2. Plat Recording25
9.3. Variations and Exceptions25
9.4. Enforcement.....26
9.5. Penalties.....26
9.6. Chain Subdividing26
9.7. Changes and Amendments26
9.8. Severability Clause27
9.9. Repealer.....27

ARTICLE X – EFFECTIVE DATE

10.1 Effective Date28

ADOPTION.....28

REPLACES ORDINANCE # 13A 2869
OSCEOLA COUNTY SUBDIVISION REGULATIONS ORDINANCE
AND AMENDMENTS THERETO

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

AN ORDINANCE prescribing minimum requirements for the design and development of new subdivisions and resubdivisions of land in the unincorporated area of Osceola County, Iowa; providing for the enforcement of these regulations; for the repeal of other ordinances or resolutions in conflict herewith; and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public in accordance with the comprehensive land use plan of Osceola County, Iowa, and in accordance with provisions of Chapter 354, Code of Iowa; Platting – Division and Subdivision of Land.

WHEREAS, the board of supervisors of Osceola County has adopted a zoning ordinance to assist in controlling the future development of the county by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings and structures for residences, commerce, industry and other purposes; and

WHEREAS, the board of supervisors of Osceola 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 sanitary 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 OSCEOLA COUNTY, IOWA; that the following ordinance relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

ARTICLE I

Basic Provisions

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Application
- Section 1.5. Restrictive Covenants
- Section 1.6. Subdivision Classification
- Section 1.7. Recording of Plat
- Section 1.8. Auditor's Plat
- Section 1.9. Plats within 2 Miles of the City Limits of Cities and Towns

Section 1.1. SHORT TITLE.

This ordinance shall be known and cited as the “Osceola County Subdivision Regulations”.

Section 1.2. PURPOSE.

It is deemed essential to establish minimum standards for the design and development of all new subdivisions and resubdivisions of land, so existing land uses and developments will be protected and so adequate provisions are made for public utilities and other public requirements, to insure growth occurs in an orderly manner consistent with the comprehensive plan, and to improve the public health, safety, and general welfare of the citizens of Osceola County.

Section 1.3. 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 Osceola County, Iowa, governing the subdivisions of all lands within the unincorporated areas of the county and all lands within the extraterritorial jurisdictional area of cities in Osceola County. It shall be unlawful for any person being the owner, agent or person having control of any land within Osceola County and the extraterritorial jurisdiction of a city 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 1.4. APPLICATION.

Every owner of any tract or parcel of land who shall hereafter subdivide or plat land into more than three (3) parts, 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. No plat shall be recorded and no lots shall be sold from such plat unless and until approved as herein provided and all public lands and rights dedicated to the governing body having jurisdiction for the area in which it is located.

Section 1.5. RESTRICTIVE COVENANTS.

The subdivider 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 1.6. SUBDIVISION CLASSIFICATION.

Any proposed subdivision or resubdivision shall be classified as either a minor subdivision or a major subdivision by the zoning administrator. To aid in this, the proprietor shall submit in written or other appropriate documentation the principle features of access, relationship and location of existing roads, proposed water and sanitary sewer systems, public utilities and improvements, the number and location of the proposed lots and other pertinent data or information. Any subdivision may be classified as a major subdivision at the proprietor's request.

Section 1.7. RECORDING OF PLAT.

No subdivision plat, resubdivision plat or street dedication within Osceola County, Iowa, 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 subdivider to immediately file such plat with the county auditor and 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 1.8. AUDITOR'S PLATS.

With regard to auditor's plats as distinguished from proprietor's plats the board of supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in these regulations provided there is on file a copy of the request of the county auditor ordering such plat and a letter from said auditor stating that the plat as submitted meets the requirements for which he has ordered the plat.

Section 1.9. PLATS WITHIN 2 MILES OF THE CITY LIMITS OF CITIES AND TOWNS.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of cities and towns 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 and towns. With regard to subdivisions located in the corporate limits of cities and towns having planning commissions established in accordance with Chapter 414, Code of Iowa, the provisions of this ordinance shall not apply. However, the city planning commission and the city or town council may agree to waive such requirements as are contained in their local ordinances to the end that the commission and council are satisfied that equally suitable regulations shall be placed on these subdivisions by the county board of supervisors under the provisions of this ordinance. In such instance, the board of supervisors shall furnish the city or town planning commission with a copy of said subdivision, as approved, certifying all requirements of the Osceola County Subdivision Ordinance are met.

ARTICLE II Definitions

Article II: Definitions

Section 2.1. Definitions

Section 2.1. DEFINITIONS.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word shall is always mandatory, the word may is permissive.

1. *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.
2. *Aliquot part*: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
3. *Alley*: A right-of-way, other than a street, as a secondary means of access to abutting properties.
4. *Auditor's plat*: A plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.
5. *Block*: An area of land within a subdivision entirely bounded by streets, highways, lakes, sloughs, wetlands or marshes, tracts of public land, or other public rights-of-way except alleys; and all the exterior boundary or boundaries of the subdivision.
6. *Board*: The Osceola County Board of Supervisors.
7. *Building Line (Setback Line)*: A line on a plat between which line and public right-of-way line no buildings or structures may be erected. Building lines shall be shown on all lots intended for residential use of any character, and for commercial and industrial lots when required by the zoning ordinance. Such building line shall not be less than required by the zoning ordinance.
8. *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.
9. *Comprehensive Plan*: Is the general plan for development of the county and is adopted by the board of supervisors.
10. *Commission (Planning Commission)*: The Osceola County Planning and Zoning Commission.
11. *County*: Osceola County, Iowa
12. *County Engineer*: Any person, firm or registered professional engineer designated by the Board of Supervisors to serve in such capacity.
13. *Cul-de-sac*: A short, dead-end street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
14. *Develop*: To erect buildings on or to desire publicly maintained streets and alleys and/or utility systems upon a parcel of land.

15. *Developer*: Any person or persons who develop or makes available to others, lots within a platted area for the purpose or erecting a building or buildings.
16. *Easement*: A right-of-way granted for the purpose of limited private, public and quasi-public uses across private land. A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or person(s) and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee.
17. *Engineer*: A registered professional engineer authorized to practice engineering as defined by the registration act of the State of Iowa.
18. *Half Street*: A one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider 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.
19. *Highway*: A major street that carries a large volume of traffic (state/federal routes).
20. *Improvements*: Pavements, curbs, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items for the welfare of the property owners and the public.
21. *Local Street*: A service street used primarily for access to abutting property
22. *Lot*: A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, offered for sale, conveyance, transfer of ownership, improvement or for building development.
23. *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.
24. *Major Street or Thoroughfare*: A street used primarily for fast or large volume traffic.
25. *Metes and Bounds Description*: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to the physical features of the land.
26. *Minor Plat*: A plat replacing a preliminary and final subdivision plat in the case of minor subdivisions to enable the proprietor to save time and expense in reaching a general agreement as to the form of the plat.
27. *Minor Subdivision*: Any subdivision that creates not more than three (3) parcels fronting 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 must meet the appropriate provisions of this ordinance.
28. *Official Plat*: Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been approved by the county and filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
29. *Outlot*: A portion of a subdivision or other parcel or tract intended as a unit for the proposed, whether immediate or future, transfer of ownership. An outlot is an unbuildable lot. Typically a proprietor 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.
30. *Owner*: The legal entity holding title to property being subdivided or such representative or agent as is fully empowered to act on its behalf.
 31. *Parcel*: A part or tract of land.
 32. *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.
 33. *Plat*: A map, drawing, or chart on which the developer or subdivider's plan of the subdivision is presented and which the developer submits for approval and intends to be recorded in final form.
 34. *Resubdivision*: Any subdivision previously included in a recorded plat. In appropriate context, the term may be used in referring to the act of preparing a plat of previously subdivided land.
 35. *Right-of-Way*: The area measured between property lines, dedicated to and accepted for public use, and providing access to abutting properties.
 36. *Roadway*: That portion of the improved street available for vehicular traffic, and measured from back to back of curbs where curbs are laid.
 37. *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.
 38. *Street, Dead End* – A short street having one end open to vehicular traffic and the other end terminated but not with a vehicular turnaround.
 39. *Subdivider* – The owner of the property being subdivided, or other such person or entity empowered to act on behalf of the owner's behalf.
 40. *Subdivision* – A division of any lot, tract or parcel of land into three (3) or more lots, parcels or other divisions of land 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 hereto for divided or platted into lots or other divisions of land; or if a new street is involved, any division of a parcel of land or the division into two (2) or more parts of any lot shall also be deemed a subdivision; and as further defined in Chapter 354, Code of Iowa. Should all of the parcels of land be larger than forty (40) acres, a subdivision plat is not required.
 41. *Subdivision Plat* – Is 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.
 42. *Surveyor* – A registered land surveyor, who engages in the practice of land surveying pursuant to Chapter 114, Code of Iowa, authorized to practice surveying as defined in the registration act of the State of Iowa.
 43. *Tract* – Means an aliquot part of a section, a lot within an official plat, or government lot.
 44. *Utilities* – Systems for the distribution or collection of water, gas, electricity, wastewater, storm water, other energy sources, and telecommunications.

ARTICLE III

Minor Subdivision Procedures and Requirements

Article III: Minor Subdivision Procedures and Requirements

- Section 3.1. Minor Plat Requirements
- Section 3.2. Review by Agencies
- Section 3.3. Procedures for Minor Subdivision

In lieu of a major subdivision (preliminary and final plats), a land owner, developer, subdivider or proprietor may utilize a minor subdivision as defined in Article II, and subject to Section 1.6.

Section 3.1. MINOR PLAT REQUIREMENTS.

The proprietor shall prepare the proposed minor subdivision plat and shall furnish to the county auditor all plans and information, including three (3) 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 persons 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, notice of the time and place of which shall be sent by mail to such addresses not less than ten (10) days prior to the hearing. Said plat shall contain such information as required by this ordinance, specifically the requirements in Section 5.2 and Section 5.3; or as may be specified by Iowa Code or the Osceola County Zoning Administrator.

Section 3.2. REVIEW BY AGENCIES.

The county auditor shall place the plat on the board of supervisors agenda and thereafter forward copies of the submitted plat to the chairperson and remaining board members, county engineer, zoning administrator, county attorney and other agencies or persons as may be deemed appropriate. Within 30 days, the county engineer shall notify the auditor that access onto a county road or highway can or cannot be provided and that other required improvements are or are not present; and the county engineer shall notify the auditor that the land proposed to be subdivided will comply with all applicable county and state standards, and that the proposed or existing system of public improvements complies with applicable standards.

Section 3.3. PROCEDURES FOR MINOR SUBDIVISION.

1. Within thirty (30) days following the receipt of an application, or additional time period as the proprietor may authorize, the board of supervisors shall hold a public hearing on the subdivision request. The board shall act upon the minor plat not more than sixty (60) days after 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 review prior to considering the minor plat. If approved, the minor plat shall be certified by resolution. In the event a minor subdivision plat is not approved, the supervisors shall state in writing how the proposed plat is objectionable.
3. Passage of a resolution accepting the plat shall constitute final approval. The proprietor 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 proprietor shall record the plat within sixty (60) days after the supervisor's approval and be responsible for all recording costs. Additionally, one (1) copy of the approved minor plat, adopting resolution, and any restrictive covenants shall be submitted to the zoning administrator by the proprietor.

ARTICLE IV

Preliminary Plat Procedures and Data

Article IV: Preliminary Plat Procedures and Data

- Section 4.1. Application Procedures
- Section 4.2. Advisory Meeting with Planning and Zoning Commission
- Section 4.3. Preliminary Plat Procedures
- Section 4.4. Requirements of Preliminary Plat

Section 4.1. APPLICATION PROCEDURES.

The subdivider shall make improvements and shall submit preliminary plans and final plats, all in accordance herewith.

Section 4.2. PREAPPLICATION MEETING WITH PLANNING AND ZONING COMMISSION.

Whenever the owner of any tract or parcel of land, developer, or subdivider within the unincorporated area of Osceola County shall make or intend to make a subdivision of the same, the subdivider shall, before preparing a preliminary plat, meet and consult informally with the county planning commission and county engineer to become familiar with all the subdivision requirements and all applicable zoning regulations. Any proposed plat containing lots to be served by private wells or septic tanks must contain evidence that the proposed lot sizes and the results of soil percolation test have been approved by the Osceola County Board of Health.

Section 4.3. PRELIMINARY PLAT PROCEDURES.

In obtaining preliminary approval of a proposed subdivision and/or development by the board of supervisors, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the planning commission ten (10) copies of a preliminary plat conforming in detail to the requirements set forth in this ordinance and required supplementary material. The planning commission shall forthwith refer one (1) copy to the board of supervisors, one (1) copy to the county engineer, one (1) copy to the county attorney, and one (1) copy to any city within two miles of the proposed subdivision.
2. The county engineer shall examine said plat as to its compliance with the laws and ordinances 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. Any municipality shall have thirty (30) days to review a proposed plat within the two (2) mile limit. If the city does not act within thirty (30) days, the plat shall be deemed to be approved.
4. After receiving the county engineer's report 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 subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before approving a preliminary plat, the planning commission shall conclude its study of the preliminary plat; at its discretion hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the county and according to state

statute. The planning commission shall transmit all copies of the preliminary plat along with its recommendations to the Board of Supervisors within sixty (60) days after the date of submission thereof. Recommendations shall include approval, disapproval or suggestions for modification and reasons thereof. Said recommendations shall be of an advisory nature only. 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.

5. 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 subdivider in its minutes. The action of the planning commission shall be forwarded to board of supervisors.
6. Before approving a preliminary plat, the board of supervisors shall hold a public hearing, notice of which shall be given by publication in a local newspaper and by ordinary mail to all property owners within five hundred feet (500') of the proposed subdivision. Public notice shall be given according to state statute. Following a public hearing and due consideration of the preliminary plat, the board of supervisors shall approve, disapprove or modify the recommendations of the planning commission and shall impose those requirements or grant those variances in conformance with these regulations deemed necessary and appropriate for final approval. The action of the board of supervisors together with all modifications, requirements, variances and reasons thereof shall be noted on all copies of the preliminary plat application. One (1) copy shall be returned to the subdivider and others retained by the county engineer. The board of supervisors shall have approved or rejected the preliminary plat within thirty (30) days after action of the planning commission; provided that the subdivider may agree to an extension of time for a period not to exceed sixty (60) days.
7. Upon approval of the preliminary plat by the planning commission and the board of supervisors, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat shall be null and void unless the final plat is presented to the planning commission within one (1) year after date of preliminary approval, unless specifically extended by Board of Supervisors action.
8. Approval of the preliminary plat by the planning commission and the board of supervisors is revocable and does not constitute final plat approval of the subdivision by the supervisors or the supervisor's authorization to proceed with construction of improvements within the subdivision.

Section 4.4. REQUIREMENTS OF 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 subdivider, or the subdivider'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 shall show, or have attached thereto, the following information:

1. **GENERAL.** The required number of copies of the preliminary plat shall be submitted as prescribed for review. Name of subdivision, scale, north arrow, date and official legal description of the property being platted. The scale of the preliminary plat shall be not less than one hundred feet (100') to one inch (1'') (100' = 1''). A scale of other than 100' = 1'' may be used if prior approval is obtained from the planning commission and Osceola County Recorder. The sheet size shall not exceed eighteen inches (18'') by twenty-four inches (24''). 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.
2. **NAME.** Name of the subdivision that shall not duplicate or resemble existing subdivision names within Osceola County.
3. **OWNER.** Name and address of recorded owner and/or developer and the name, address and profession of the person preparing the plan;
4. **KEY MAP.** A vicinity sketch at a legible scale of not more than five hundred feet (500') to one inch (1'') showing the general location of the proposed subdivision in relation to surrounding development or neighborhoods.
5. **NEIGHBORS.** All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets or roads. A list of the names of all owners of record and residents within 500' of the subdivision's boundaries shall be attached.
6. **ACRES.** Acreage of the land to be subdivided.
7. **INFRASTRUCTURE.** The location of all existing or proposed buildings, railroads, underground utilities, and other rights-of-way including the location and size or capacity of providing water supply and provisions for sewage disposal
8. **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.
9. **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.
10. **STREETS.** Location, names and widths of all existing and proposed streets, roads, alleys, highways with their right-of-ways on and adjacent to the area being subdivided. 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.
11. **LOTS.** Proposed layout of lots showing the lot numbers, dimensions, building setback lines, radii, and the square-foot area if an irregular shaped lot.
12. **PUBLIC USE.** Parcels of land proposed to be dedicated for public use such as schools, parks, playgrounds, or other public, semi-public or community purposes, proposed by the subdivider for public or private use or shown for such purpose in the comprehensive plan.

13. EASEMENTS. Existing and proposed easements and their locations, widths, purposes and distances.
14. UTILITIES. Present and/or proposed utility systems or services, the location and size or capacity of water supply or mains; sanitary and storm sewers; other storm sewer drainage or water control structures including ditches, culverts, drain tiles, bridges and other structures; gas mains; electric utilities; street lighting and telephone utilities; and other facilities.
15. ZONING. The existing and proposed zoning classification of the land to be subdivided according to the county's zoning ordinance.
16. ADDITIONAL INFORMATION. Any other pertinent information, as necessary for the review of the preliminary plat or as required by the planning commission or board of supervisors.
17. FEE. The platting fee, as required by this ordinance and as established by resolution of the board of supervisors.
18. ACCOMPANYING MATERIAL.
 - a. Any plat that cannot reasonable be served by public sewer shall show results of soil percolation tests made by a qualified engineer.
 - b. Deed restrictions or proposed covenants, if any, to be included in the owner's dedication of the plat;
 - c. Written statement by the appropriate officials of the availability of gas, electricity, water, sewer and other necessary infrastructure to the proposed subdivision;
 - d. Written and signed statements explaining how and when the subdivider proposes to provide and install all improvements required by this ordinance. Such statement shall acknowledge required inspections and approvals by the county engineer.

Upon conditional approval of the preliminary plat, the owner of a subdivision or resubdivision shall not be permitted to sell any lots or develop thereon until a final plat has been approved by the board of supervisors and officially recorded with the county recorder.

ARTICLE V

Final Plat Procedures and Data

Article V: Final Plat Procedures and Data

- Section 5.1. Final Plat Procedures
- Section 5.2. Requirements of Final Plat
- Section 5.3. Final Plat Attachments

Section 5.1. FINAL PLAT PROCEDURES.

In obtaining final approval of a proposed subdivision by the board of supervisors, the subdivider shall submit a final plat in accordance with the following order and procedure:

1. The subdivider shall submit to the planning commission for its approval, disapproval or suggestions for modifications, all plans and information as required by this ordinance, including ten (10) copies of the final plat and supplementary material, unless the planning commission requests more copies. The planning commission shall refer one (1) copy to the county engineer for review and recommendation. One (1) copy of the final plat shall be GIS compatible in digital format suitable to the county's current GIS software.
2. The planning commission shall study and consider the final plat, according to the procedures set forth for preliminary plats in Section 4.3. and shall submit 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 thirty (30) days, the final plat shall be deemed to have received a favorable recommendation in all respects and shall then receive due consideration by the supervisors.
3. The board of supervisors shall then consider the final plat, according to the procedures set forth for preliminary plats in Section 4.3. along with recommendations of the planning commission and recommendations of the county engineer. If the same is acceptable and in accordance with this ordinance, the board of supervisors shall approve or disapprove the final plat. If said plat is disapproved by the supervisors, such disapproval shall point out in writing wherein said proposed plat is objectionable. Approval of the final plat by the supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless an extension of time is granted during said thirty (30) days.
4. The passage of a resolution by the board of supervisors accepting the plat shall constitute final approval of the platting process of the area shown on the final plat. However, the subdivider or owner shall be responsible for the recording of such plat in the office of the Osceola County Recorder, as provided in Chapter 354, Code of Iowa, and amendatory acts thereto. Furthermore, the subdivider shall file evidence of such recording in the office of the county auditor before the final plat is recognized as being in full force and effect.
5. Final acceptance for recording purposes shall not constitute final acceptance by Osceola County of any improvements to be constructed. Improvements will be accepted only after their construction has been completed.

Section 5.2. REQUIREMENTS OF FINAL PLAT.

The final plat shall conform substantially to the preliminary as approved, and may include all or a portion of the preliminary plat. The final plat shall show the following:

1. When or if the preliminary plat is approved, the subdivider shall submit ten (10) copies of the final plat for review by the planning commission. The final plat shall be made from an accurate survey by a registered engineer or surveyor and drawn to a scale of one hundred feet (100') to one inch (1") or larger and placed on a drawing the dimensions of which will be eighteen inches by twenty-four inches (18" x 24"). A scale other than 100' = 1" may be used if prior approval is obtained from the planning commission and county recorder.
2. Accurate boundary lines, with dimensions and angles that provide a survey of the tract, closing with error of not more than one foot (1') in ten thousand feet (10,000') on the boundary, and one foot (1') in five thousand feet (5,000') for any individual lot. Distances shall be measured to the nearest one hundredth foot.
3. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
4. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
5. Accurate metes and bounds description of the boundary
6. Radii, arc and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
7. Street names and street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
8. Plan and profiles of all streets, alleys, sanitary sewers, storm sewers, and water lines at fifty feet (50') per inch horizontal scale and five feet (5') per inch vertical scale. Profiles shall show location, size, and grade of all conduits, sanitary and storm sewers, pipelines, etc. Profiles shall be drawn so that north is oriented to the top or to the left side of the drawing.
9. Lot numbers and dimensions.
10. Accurate locations, descriptions and any limitation of easements for utilities.
11. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use, and of all property that may be reserved by deed covenant for the common use of property owners in a subdivision.
12. Building lines and dimensions.
13. Location, type, material, and size of all surveyors' monuments, together with their descriptions including ties to original government corners.
14. Name of the subdivision, name and address of owner(s) and subdivider.
15. North arrow, date, scale of plat, and certification and name of engineer or registered land surveyor in the State of Iowa.
16. Parcels not part of the plat shall be identified.

Section 5.3. FINAL PLAT ATTACHMENTS.

The final plat shall have the following attached when presented to the county auditor for filing:

1. **ABSTRACT OF TITLE.** A complete abstract of title and the opinion of a practicing attorney showing that the fee title to the subdivision land is free from encumbrances other than those secured by an encumbrance bond.
2. **ATTORNEY'S OPINION.** An attorney's opinion in duplicate showing the fee title to the subdivision land is in the owner's name as shown on the plat and showing any encumbrances that exist against said land.
3. **OWNER'S CERTIFICATE.** By the owner and owner's spouse (if applicable) that the subdivision is with the free consent and is in accordance with the desire of the owners.
4. **CERTIFICATE OF DEDICATION.** A dedication to the county, properly executed, for all streets intended as public streets, and for any other property intended for public use.
5. **COUNTY TREASURER CERTIFICATE.** A certificate from the county treasurer that the subdivision land is free from unpaid taxes. Certificate to be signed at time of plat filing.
6. **COUNTY RECORDER'S CERTIFICATE.** A certificate from the county recorder showing that the subdivision land is free from all judgments, attachments, mechanics or other liens of record. This certificate is to be filed at the time of filing.
7. **AUDITOR'S APPROVAL CERTIFICATE:** A certificate from the county auditor to approve the designation of the plat as an acceptable subdivision plat title of property.
8. **DRAINAGE PLANS.** Drainage plans for the removal of storm water. Grading shall be designed so that all surface water shall be conducted to a street storm sewer or to a natural water course. No water course shall be altered so as to divert surface drainage from one watershed to another. Plats shall conform to any and all drainage districts.
9. **SATISFACTORY IMPROVEMENTS.** A certificate from the project engineer or land surveyor submitted on behalf of the owner or subdivider stating that all improvements and/or construction required by this ordinance are made or installed in accordance with county specifications. Furthermore, the owner or subdivider shall warrant all improvements and/or construction in accordance with approved plans and specifications and in 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, cash payment or letter of credit approved by the county guaranteeing completion has been approved by the county attorney and filed with the county, or that the governing body has agreed that the county will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.
10. **COVENANTS OR DEED RESTRICTIONS.** Any protective covenants or deed restrictions to be imposed upon the plat shall be submitted for review.
11. **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.

ARTICLE VI Design Standards

Article VI: Design Standards

Section 6.1.	General Requirements
Section 6.2.	Acre Subdivision
Section 6.3.	Streets
Section 6.4.	Alleys
Section 6.5.	Railroads
Section 6.6.	Blocks
Section 6.7.	Lots
Section 6.8.	Easements
Section 6.9.	Plat Markers and Monuments

Section 6.1. GENERAL REQUIREMENTS.

The following design standards shall be followed by all developers in subdividing or resubdividing land, except those plats referred to in Section 1.8, Auditor's Plats. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

Section 6.2. 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 re-subdivided 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 6.3. STREETS.

1. **LAND USE PLAN.** All proposed plats and subdivisions shall conform to the county's land use plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the county.
2. **FRONTAGE OR MARGINAL 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.
3. **DEAD-END STREETS (CUL-DE-SACS).** Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred feet (600') and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred feet (100') in case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty feet (50'). A turnaround diameter greater than one hundred (100) feet may be required by the planning commission in the case of commercial or industrial subdivisions if it is deemed necessary.

4. **STREET NAMES.** Proposed streets that are obviously in alignment with other already existing, or a street that may be logically extended although the various portions may be a distance from each other shall bear the names of such existing streets. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Board of Supervisors in order to avoid duplication or close similarity of names.
5. **STREET ALIGNMENT.** The arrangement of streets in new subdivisions shall make provision for the continuation or completion of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
6. **HALF STREETS.** The platting of half streets will not be permitted. Whenever a dedicated or platted half street exists adjacent to the tract to be subdivided, the other half of the street shall be platted if deemed necessary by the planning commission.
7. **FUTURE STREETS.** Where the parcel of land is subdivided only includes part of the tract owned by the subdivider, the planning commission may require topography and a sketch of a tentative future street system of the unsubdivided portion. Within any large tracts not used for building lots, such parcel shall be divided so as to allow for the opening and the ultimate extension of adjacent minor streets. Easements, providing for the future opening and extension of such streets or thoroughfares, may at the discretion of the planning commission.
8. **NEIGHBORHOOD PLAN.** If any overall plan has been made by the planning commission or the county for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto, unless such changes are approved by the planning commission.
9. **ACCESS STREETS.** Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway the street layout shall provide motor access to such frontage either a parallel street supplying frontage for lots backing onto the trafficway, or a series of cul-de-sacs or short loops entered from and planned at right angles to such parallel street, or a service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or ether means shall prevent any private residential driveways from having direct access to the traffic-way
10. **PHYSICAL AND CULTURAL FEATURES.** In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would tend to lend themselves to attractive treatment.
11. **STREET OFFSETS.** Streets of less than two hundred feet (200') shall be avoided.
12. **PRIVATE STREETS.** Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.

13. **DEDICATION OF STREETS.** A dedication to the county shall be given for all streets before the same will be accepted for county maintenance.
14. **CIRCULATION.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or unsubdivided land as may be required by the planning commission. Where a street will eventually be extended beyond the subdivision, but is temporarily dead-ended, an interim turnaround shall be required.
15. **STREET RIGHT-OF-WAY.** Minimum street right-of-way widths shall be provided in accordance with the recommended standards outlined in the Iowa SUDAS Manual (Statewide Urban Design and Specifications)
16. **STREET GRADES.** Streets and alleys shall be completed to grades that have been officially determined or approved by the county engineer. The grade alignment and resultant visibility shall be worked out in detail to meet the approval of the county engineer. 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 flood-free elevations to ensure portions of the subdivision will not be isolated by floods.
14. **STREET INTERSECTIONS.**
Streets shall intersect as nearly as possible at right angles, and no intersection shall be at an angle of less than sixty (60) degrees. Thoroughfare and collector streets in a subdivision shall extend though to the boundaries thereof. Street and alley layout shall provide access to all lots and parcels of land within the subdivision.

Section 6.4. ALLEYS.

Alleys may be required in business areas and industrial districts, and except where justified by unusual conditions alleys will not be approved in residential districts.

1. Alleys may be provided to grant access to the rear of all lots used for commercial and industrial purposes; except that the county engineer may waive this where other definite and assured provisions have been made for adequate access to service access, such as off-street loading, unloading and parking consistent with and adequate for proposed uses.
2. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys satisfactory to the board of supervisors.
3. The width of any alley shall be a minimum of twenty feet (20').
4. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

Section 6.5. RAILROADS.

If a railroad is involved, the subdivision plan should be so arranged as to permit, where necessary, future grade separation at highway crossings of the railroad. Other alternatives to railroad crossings include a parallel street at a sufficient distance from the railroad to permit deep

lots to go back to the railroad, or form a buffer strip for park. Furthermore, cul-de-sacs at right angles to the railroad may be an alternative so as to permit buildable lots to back thereunto

Section 6.6. BLOCKS.

No block shall be longer than one thousand three hundred twenty feet (1,320'), or less than three hundred feet (300') except as the board of supervisors deems necessary to ensure efficient use of land or desired features of street layout. At street intersections, block corners shall be rounded with a radius of not less than twenty feet (20') unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.

Section 6.7. LOTS.

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.

1. Relationship to Streets. Each lot shall be provided by means of a public street or acceptable private drive with satisfactory access to a public street.
2. Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding.
3. Dimensions. No lot shall be less in size or shape than that required to provide an adequate building site in compliance to the zoning ordinance.
2. Corner lots. Corner lots shall be of such width as to permit required building setbacks on both front and side streets as required by the zoning ordinance.
3. Double Frontage Lots. Double frontage or through lots, other than corner lots, shall be prohibited except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use. The front and rear of double frontage lots shall be identified on the plat and no access will be allowed from the rear yard street.
4. 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.
5. Minimum Health Standards. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed. Lots that cannot be reasonably served by an existing public sanitary sewer system and public water mains, shall have a minimum width of one hundred feet (100'), measured at the building line, and an area of not less than 20,000 square feet or the minimum permitted by the zoning ordinance, whichever is the larger. Lots not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty feet (80') and an area of 10,000 square feet or the minimum permitted by the zoning ordinance, whichever is the larger. The Osceola County Board of Health may require additional minimum standards based on local conditions including the rate of soil percolation.

Section 6.8. EASEMENTS.

1. Except where alleys are permitted for the purpose, the board of supervisors shall require easements at least ten feet (10') in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the board of supervisors similar easements shall be provided along such other lot lines as may be required by public and private utility companies.
2. Easements of greater width may be required for trunk lines, pressure lines, 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. Utility easements shall convey to the utility provider, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, operate and maintain electric lines consisting of poles, wires, cables, fiber optic lines, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a safe clearance from wires or poles.
5. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall provide and dedicate to the county an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream so that it will properly carry the surface water and for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, but in no case shall such easement be less than thirty feet (30') plus stream design width and a total width adequate to provide for any channel straightening or relocations.
6. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains, shall have a minimum width of one hundred feet (100'), measured at the building line, and an area of not less than twenty thousand (20,000) square feet or the minimum permitted by the zoning ordinance, whichever is the larger.
7. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty (80) feet and an area of ten thousand (10,000) square feet or the minimum permitted by the zoning ordinance, whichever is the larger.
8. The Osceola County Board of Health may require additional minimum standards based on local conditions including the rate of soil percolation.

Section 6.9. PLAT MARKERS AND MONUMENTS.

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 (5/8") in diameter re-rod, with a surveyor's identification cap attached, or as per State Code. A permanent bench mark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat. Developer shall provide the county with GPS (Global Positioning System) coordinates on all plat markers.

ARTICLE VII IMPROVEMENTS

Article VII: Improvements

- Section 7.1. Installation of Improvements
- Section 7.2. Resubdivisions
- Section 7.3. Suitability of the Land
- Section 7.4. Required Improvements
- Section 7.5. General Requirements for Installation of Utilities
- Section 7.6. Specifications
- Section 7.7. As Built
- Section 7.8. Guarantee
- Section 7.9. Acceptance and Maintenance

Section 7.1. INSTALLATION OF IMPROVEMENTS.

The subdivider shall be responsible for the installation and construction of all improvements required by this ordinance, and shall warrant the design, materials, and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after completion. Before the board of supervisors approves the final plat all of the foregoing improvements shall be constructed and accepted by formal resolution. Before passage of said resolution of acceptance, the county engineer shall report that said improvements meet all county specifications and ordinances or other requirements and agreements between the subdivider and the county. This requirement may be waived if the subdivider will post a performance bond or certified check with Osceola County, Iowa, guaranteeing that 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. The board of supervisors may waive the requirements of this ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 7.2. 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 in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

Section 7.3. SUITABILITY OF THE LAND FOR SUBDIVISION.

If the board of supervisors finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if, from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the board of supervisors may not approve the land for

subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

1. If a subdivision is found to be unsuitable for any of the reasons cited in this section the planning commission or board of supervisors shall state its reasons in writing and afford the proprietor an opportunity to present data regarding such unsuitability. Thereafter, the planning commission or board of supervisors may re-affirm, modify or withdraw its determination of unsuitability.
2. The board of supervisors may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, or which would necessitate an excessive expenditure of public funds for the supply of such services as undue maintenance costs for adequate roads.
3. All lots located within a floodplain shall contain adequate area above the elevation of flooding for essential and planned utilities and construction of buildings. All land in a subdivision that lies in a floodplain shall be shown on the individual lots in the preliminary plat, and encouraged to remain as open space for use by all the lots in the subdivision.

Section 7.4. REQUIRED IMPROVEMENTS.

All required improvements shall be installed and constructed in accordance with the specifications and under the supervision or inspection of the county engineer and all utilities managers and to the satisfaction of the board of supervisors. The subdivider shall furnish the county engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the county engineer not less than twenty-four (24) hours in advance of readiness for required inspections.

1. **STREET GRADING.** The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The subdivider shall, when necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for residences or other structures thereon. All streets and alleys within the platted area dedicated for public use shall be brought to grade at the subdivider's cost as approved by the board of supervisors after receiving the report and recommendation of the county engineer.
2. **STREET SURFACING.** The paving on such new streets shall be built according to the standards and specifications of the county engineer, but in no case shall it consist of less than a concrete curb and gutter, and asphaltic concrete laid on a stabilized base approved by the county engineer or six inches (6") of reinforced portland cement concrete or eight inches (8") of asphaltic concrete over a prepared subgrade and shall be prepared in accordance with the designs and specifications of the county engineer. Furthermore, surfacing of streets shall be in accordance with the grades, widths and thicknesses approved by the board of supervisors.
3. **STREET SIGNS.** The developer or subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.
4. **SANITARY SEWERS.** The subdivider shall provide the subdivision with a complete sanitary sewer system. Where, in the opinion of the board of supervisors, a public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the

subdivider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision system to the public system after the county engineer and board of supervisors has approved the size of the lines. The developer shall stub a sewer service line into each lot being developed. Where lots in the area of planning jurisdiction cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes for individual septic tanks and disposal fields from the county engineer and county environmental health officer. Where a private water supply or sewage system is proposed, the subdivider 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 county environmental health officer. Furthermore, sanitary sewer collection and treatment systems shall be approved by the Iowa Department of Natural Resources and such other agency as shall be charged with the regulatory authority over sanitary sewer facilities.

5. **WATER SUPPLY.** Where in the opinion of the board of supervisors the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system to adequately serve all lots, of which shall also include appropriately spaced fire hydrants, valves and other appurtenances properly connected with the public water supply. If public water supply is available, water mains shall have a minimum diameter of four inches (4") with larger sizes required for feeder mains or for adequate fire protection. Water mains shall be at least two feet (2') outside of the curb or traveled roadway on the high side of the street, with a minimum cover of five feet (5'). Where a public water supply is not within a reasonable distance or otherwise unavailable the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate water supply approved by the board of supervisors and county environmental health officer. If the Board of Supervisors approves the use of individual wells, lot sizes shall meet its approval.
6. **STORM WATER DRAINAGE.** 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 appropriate county engineer or by other officials having jurisdiction over a drainage district or watershed district. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. Storm sewers are to be located on the low side of the street well outside of the curb or traveled roadway line.
7. **GAS MAINS.** Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.

Section 7.5. GENERAL REQUIREMENTS FOR INSTALLATION OF UTILITIES.

The Board and Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots.

Section 7.6. SPECIFICATIONS.

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

Section 7.7. AS BUILT.

The developer shall furnish the county with a complete set of copies of as-built drawings at the completion of the installation of utilities.

Section 7.8. GUARANTEES.

The completion requirement for platting, herein provided, may be waived in whole or in part if the developer will post one of the following guarantees with the board of supervisors ensuring that improvements not completed will be constructed within a period of one (1) year. Improvements will be accepted only after their construction has been completed.

1. Performance Bond. The subdivider shall post a bond equal to the engineer's approved estimate of construction costs guaranteeing satisfactory completion of all improvements in a period not exceeding one (1) year from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa, and shall indemnify Osceola County from any and all costs or losses of the development and construction.
2. Cash Bond. The subdivider shall deposit in cash with the board of supervisors an amount equal to the engineer's approved estimate of the cost of construction of all improvements.
3. Special Assessments. In the case of streets not wholly within the subdivision or where other property owners are involved, the subdivider may petition the board of supervisors to have necessary improvements constructed and assessments levied against the property owners.

Section 7.9. ACCEPTANCE AND MAINTENANCE.

Upon completion of all improvements required by this ordinance, and upon submission of satisfactory proof to the board of supervisors or other public agency that such improvements have met the standards and requirements of the county or other public agency and are installed on public property, approved and recorded rights-of-way or easements, the board shall by resolution accept public improvements and property intended for public use for the purpose of ownership and maintenance by the county or other public agency. All improvements shall be inspected by county representatives and approved by the county engineer. The cost of said inspection shall be paid for by the developer. The subdivider shall maintain all improvements for two (2) years after completion as verified by the final inspection. Maintenance shall be guaranteed by cash deposited with the county or by the posting of a maintenance bond in the amount of five percent (5%) of the estimated cost of the improvements.

ARTICLE VIII PUBLIC SPACE DEDICATIONS

Article VIII: Public Space Dedications

Section 8.1. Park, Open Space & Public Use Dedications

Section 8.2. Other Public Space Regulations

Section 8.1. 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.

Section 8.2. OTHER PUBLIC SPACE REGULATIONS.

1. Public spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The board of supervisors may not approve a site that is undesirable for such public or civic uses.
2. If the county's comprehensive plan requires a public open space within the proposed subdivision, the subdivider 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 an independent appraiser. After such time, the subdivider may replat such property for the subdivider's own purposes.
3. Natural features, historic sites, and similar county assets shall be preserved in parks and open spaces within the subdivision.

ARTICLE IX ADMINISTRATION, ENFORCEMENT & AMENDMENT

Article IX: Administration, Enforcement & Amendment

- Section 9.1. Fees Established
- Section 9.2. Plat Recording
- Section 9.3. Variations and Exceptions
- Section 9.4. Enforcement
- Section 9.5. Penalties
- Section 9.6. Chain Subdividing
- Section 9.7. Changes and Amendments
- Section 9.8. Validity
- Section 9.9. Repealer

Section 9.1. FEES ESTABLISHED.

The board of supervisors shall, from time to time, establish fees, by resolution, for review of subdivision plats. Each preliminary plat submitted for approval shall be accompanied by a fee to be determined by resolution of the board. No fees shall be charged for public land plats submitted by any governmental entity, plats submitted by any school board, or plats of property reserving or dedicating land to the county provided no other subdivision of land is shown thereon.

Section 9.2. PLAT RECORDING. There shall be three (3) copies stamped as approved by the board of supervisors. A resolution by the board of supervisors approving the plat shall accompany the copy of the plat submitted to the county auditor.

1. One (1) copy shall be retained for file by the zoning administrator
2. One (1) copy shall be filed with the county recorder
3. One (1) copy with accompanying resolution by the board of supervisors approving and accepting the plat shall be filed with the county auditor

Section 9.3. VARIANCES AND EXCEPTIONS.

Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the board of supervisors upon recommendation of the planning commission may modify or vary such requirements to the end that the subdivider is allowed to develop his 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 by the county 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. A public hearing will be required by the Board of Supervisors prior to granting a variance.

Section 9.4. 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 has been approved by the board of supervisors in the manner prescribed herein.
2. The zoning administrator shall not issue zoning compliance permits for any structure located on a lot 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, and until any and all improvements required by this ordinance have been completed and accepted by the county.
3. The board of supervisors shall not permit any public improvements, over which it has control, to be made from the county road fund 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 shall be considered private roads.

Section 9.5. PENALTIES.

It shall be unlawful for the owner, or the agent of an owner, 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 \$100 per day and not more than \$500.00 per day for each lot so transferred, disposed of, leased or offered for sale. Additionally, 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.

Section 9.6. CHAIN SUBDIVIDING.

No more than two (2) building 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.

Section 9.7. CHANGES AND AMENDMENTS.

Any provisions of these regulations may be changed and amended from time to time by the board of supervisors; provided, however, that such changes and amendments shall not become

effective until after study and report by the planning commission. The commission shall report within thirty (30) days after which the board of supervisors shall give notice of and hold a public hearing on the proposed amendment. Such notice shall be published in a newspaper of general circulation at least once, not less than four (4) or more than twenty (20) days before the date of the public hearing. The amendment shall become effective from and after its adoption and required publication.

Section 9.8. SEVERABILITY CLAUSE.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared by the courts to be invalid or unconstitutional for any reason whatsoever, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the parts so declared to be invalid or unconstitutional.

Section 9.9. REPEALER.

Effective on the effective date of this ordinance, the previous subdivision regulations ordinance and amendments thereto are hereby repealed. 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 within the force and effect of the zoning ordinance 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. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive applies.

ARTICLE X
Effective Date

Section 10.1. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its 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)

Adoption

SUBDIVISION REGULATIONS ORDINANCE OF OSCEOLA COUNTY, IOWA

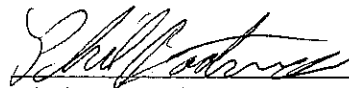
NOW THEREFORE, BE IT ORDAINED BY THE
BOARD OF SUPERVISORS OF OSCEOLA COUNTY

Passed and approved by motion of the first ordinance reading on August 13, 2013

Passed and approved by motion of the second ordinance reading on August 27, 2013

Passed and approved by motion of the third and final ordinance reading on waived

Adopted on August 27, 2013



Chair, Osceola County Board of Supervisors

ATTEST:



Osceola County Auditor

